

U.S. Department of Labor Occupational Safety and Health Administration
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203



07/12/2024

John's Disposal Services, Inc.
Dba John's Recycling, Inc.
and its successors
7311 Omega Circle
Franksville, WI 53126

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000), which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I will welcome further discussions in person or by telephone. Please contact me at (414) 297-3315.

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

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

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

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

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

Sincerely,

for 

Dustin Schnipke
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203



Citation and Notification of Penalty

To:
John's Disposal Services, Inc.
Dba John's Recycling, Inc.
and its successors
7311 Omega Circle
Franksville, WI 53126

Inspection Number: 1722811
Inspection Date(s): 01/23/2024 - 01/23/2024
Issuance Date: 07/12/2024

Inspection Site:
7311 Omega Circle
Franksville, WI 53126

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities, and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (414) 297-3315. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

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

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

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

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

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

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

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

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

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/12/2024. The conference will be held by telephone or at the OSHA office located at 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1722811

Company Name: John's Disposal Services, Inc. dba John's Recycling, Inc.
Inspection Site: 7311 Omega Circle, Franksville, WI 53126
Issuance Date: 07/12/2024

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203.**

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

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

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

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

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

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

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

Signature

Date

Typed or Printed Name

Title

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

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

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

Inspection Number: 1722811
Inspection Date(s): 01/23/2024 - 01/23/2024
Issuance Date: 07/12/2024



Citation and Notification of Penalty

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7311 Omega Circle, Franksville, WI 53126

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

29 CFR 1910.28(c): Protection from falling objects. The employer did not protect employees from falling objects by implementing one or more of the following methods listed in 1910.28(c)(1)-(3):

(c)(1) Erecting toe boards, screens, or guardrail systems to prevent objects from falling to a lower level;

(c)(2) Erecting canopy structures and keeping potential falling objects far enough from an edge, hole, or opening to prevent them from falling to a lower level; or

(c)(3) Barricading the area into which objects could fall, prohibiting employees from entering the barricaded area, and keeping objects far enough from an edge or opening to prevent them from falling to a lower level.

(a) On or about January 23, 2024, on the second floor next to the LUBO machine, the employer did not protect employees from being struck-by debris such as, but not limited to, metal cans, empty compressed spray bottles, and plastic material. These materials were ejected from the LUBO machine during normal operation and fell onto the walkway adjacent to the machine, exposing employees to serious injuries. The employer did not erect toe boards, screens, guardrail systems or canopy structures and did not barricade the area to protect employees from objects falling from the LUBO machine.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

August 28, 2024

Proposed Penalty:

\$7,604.00

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: 1722811
Inspection Date(s): 01/23/2024 - 01/23/2024
Issuance Date: 07/12/2024



Citation and Notification of Penalty

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7311 Omega Circle, Franksville, WI 53126

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

29 CFR 1910.28(b)(6)(ii): The employer did not ensure that each employee 4 feet (1.2 m) or more above dangerous equipment must be protected from falling by one of the systems listed in 29 CFR 1910.28(b)(6)(ii)(A)-(D).

(a) On or about January 23, 2024, located on the platform above the disposal bins and below the screening area, the employer failed to ensure employees tasked with removing debris were protected from a fall hazard of approximately five feet onto a moving conveyor system used to transport sorted recycled products to the balers.

John's Disposal Services, Inc. was previously cited for a violation of this Occupational Safety and Health standard, which was contained in OSHA inspection number 1621763, citation number 1, item number 2, group letter d, and was affirmed as a final order on March 8, 2023, with respect to a workplace located at 7311 Omega Circle, Franksville, WI 53216.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$63,382.00

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: 1722811
Inspection Date(s): 01/23/2024 - 01/23/2024
Issuance Date: 07/12/2024



Citation and Notification of Penalty

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7311 Omega Circle, Franksville, WI 53126

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

29 CFR 1910.212(a)(2): Guard(s) on machine(s) were not affixed to the machine or secured elsewhere when attachment to the machine was not possible:

(a) On or about January 24, 2024, on the second floor of the sorting conveyor across from access stairway, the expanded metal barrier guard over the conveyor belt and pulley assembly was not permanently affixed over the opening.

Date By Which Violation Must be Abated:
Proposed Penalty:

August 28, 2024
\$0.00

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

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

Inspection Number: 1722811
Inspection Date(s): 01/23/2024 - 01/23/2024
Issuance Date: 07/12/2024



Citation and Notification of Penalty

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7311 Omega Circle, Franksville, WI 53126

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

29 CFR 1910.219(c)(2)(i): All exposed part(s) of horizontal shafting seven (7) feet or less from floor or working platform were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting.

(a) On or about January 23, 2024, on the third floor of the sorting conveyors, an employee was exposed to rotating shafts at two conveyor drive motors, with openings of approximately three inches in the expanded metal mesh guarding, when walking and working along the platform adjacent to employees designated work areas.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 28, 2024
\$0.00

A handwritten signature in blue ink, appearing to read "for Dustin Schnipke", is written over a horizontal line.

Dustin Schnipke
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
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203



INVOICE / DEBT COLLECTION NOTICE

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7311 Omega Circle, Franksville, WI 53126
Issuance Date: 07/12/2024

Summary of Penalties for Inspection Number: 1722811

Citation 1 Item 1, Serious	\$7,604.00
Citation 2 Item 1, Repeat - Serious	\$63,382.00
Citation 3 Item 1, Other-than-Serious	\$0.00
Citation 3 Item 2, Other-than-Serious	\$0.00

TOTAL PROPOSED PENALTIES: **\$70,986.00**

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

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.

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

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


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

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

for 

Dustin Schnipke

Area Director


Date

U.S. Department of Labor Occupational Safety and Health Administration
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203



07/12/2024

John's Disposal Services, Inc.
Dba John's Recycling, Inc.
and its successors
7311 Omega Circle
Franksville, WI 53126

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000), which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I will welcome further discussions in person or by telephone. Please contact me at (414) 297-3315.

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

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

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Sincerely,

A handwritten signature in blue ink, appearing to read "Dustin Schnipke".

Dustin Schnipke
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203



Citation and Notification of Penalty

To:

John's Disposal Services, Inc.
Dba John's Recycling, Inc.
and its successors
7311 Omega Circle
Franksville, WI 53126

Inspection Number: 1724968**Inspection Date(s):** 02/01/2024 - 02/01/2024**Issuance Date:** 07/12/2024**Inspection Site:**

7311 Omega Circle
Franksville, WI 53126

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities, and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (414) 297-3315. 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).

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/12/2024. The conference will be held by telephone or at the OSHA office located at 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203 on _____ at _____ . Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1724968

Company Name: John's Disposal Services, Inc. dba John's Recycling, Inc.
Inspection Site: 7311 Omega Circle, Franksville, WI 53126
Issuance Date: 07/12/2024

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203.**

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: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7311 Omega Circle, Franksville, WI 53126

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

29 CFR 1910.95(g)(1): The employer did not establish and maintain an audiometric testing program as provided by 29 CFR 1910.95(g) by making audiometric testing available to all employees whose exposures equal or exceed an 8-hour time-weighted average of 85 decibels:

An audiometric testing program was not established and maintained by making audiometric testing available for employees performing required duties with noise exposures that exceeded 85 dBA for an 8-hour time weighted average (8-hr TWA). The following employees with exposures that exceeded an 85 dBA 8-hr TWA had not participated in an audiometric testing program, had not been offered an audiometric test and had not received an audiometric test:

- (a) On February 7, 2024, a Pre-Sort employee was exposed to noise at 79.7% of the permissible daily dose, or an average sound level of 88.4 dBA, as measured over 480 minutes of sampling. This dose is equivalent to an 8-hour TWA exposure of 88.4 dBA.
- (b) On February 7, 2024, a Pre-Sort employee was exposed to noise at 77.2% of the permissible daily dose, or an average sound level of 88.1 dBA, as measured over 480 minutes of sampling. This dose is equivalent to an 8-hour TWA exposure of 88.1 dBA.
- (c) On February 7, 2024, a Pre-Sort employee was exposed to noise at 91.7% of the permissible daily dose, or an average sound level of 89.4 dBA, as measured over 480 minutes of sampling. This dose is equivalent to an 8-hour TWA exposure of 89.4 dBA.
- (d) On February 7, 2024, a Pre-Sort employee was exposed to noise at 70.3% of the permissible daily dose, or an average sound level of 87.5 dBA, as measured over 480 minutes of sampling. This dose is equivalent to an 8-hour TWA exposure of 87.5 dBA.
- (e) On February 7, 2024, a Plastic Sort employee was exposed to noise at 71.7% of the permissible daily dose, or an average sound level of 87.6 dBA, as measured over 480 minutes of sampling. This dose is equivalent to an 8-hour TWA exposure of 87.6 dBA.
- (f) On February 7, 2024, a Paper Sort employee was exposed to noise at 73.6% of the permissible daily dose, or an average sound level of 87.8 dBA, as measured over 480 minutes of sampling. This dose is equivalent to an 8-hour TWA exposure of 87.8 dBA.

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: 1724968
Inspection Date(s): 02/01/2024 - 02/01/2024
Issuance Date: 07/12/2024



Citation and Notification of Penalty

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7311 Omega Circle, Franksville, WI 53126

John's Recycling was previously cited for a violation of this Occupational Safety and Health standard, which was contained in OSHA inspection number 1626018, citation number 1, item number 1, group number d and was affirmed as final order on 03/05/2023, with respect to a workplace located at 7311 Omega Circle, Franksville, WI 53126.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 28, 2024
\$63,382.00

fer 

Dustin Schnipke
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203



INVOICE /

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

DEBT COLLECTION NOTICE

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7311 Omega Circle, Franksville, WI 53126
Issuance Date: 07/12/2024

Summary of Penalties for Inspection Number: 1724968

Citation 1 Item 1, Repeat - Serious \$63,382.00

TOTAL PROPOSED PENALTIES: **\$63,382.00**

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

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.

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

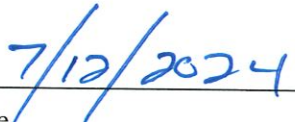
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent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

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

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

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Dustin Schnipke
Area Director


Date

U.S. Department of Labor Occupational Safety and Health Administration
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203



07/12/2024

John's Disposal Services, Inc.
Dba John's Recycling, Inc.
and its successors
7311 Omega Circle
Franksville, WI 53126

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000), which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I will welcome further discussions in person or by telephone. Please contact me at (414) 297-3315.

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

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

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

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

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

Sincerely,

for 

Dustin Schnipke
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203



Citation and Notification of Penalty

To:

John's Disposal Services, Inc.
Dba John's Recycling, Inc.
and its successors
7311 Omega Circle
Franksville, WI 53126

Inspection Number: 1721997**Inspection Date(s):** 01/19/2024 - 01/19/2024**Issuance Date:** 07/12/2024**Inspection Site:**

7323 Omega Circle
Franksville, WI 53126

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities, and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (414) 297-3315. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

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

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

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

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

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

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

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

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

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/12/2024. The conference will be held by telephone or at the OSHA office located at 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1721997

Company Name: John's Disposal Services, Inc. dba John's Recycling, Inc.
Inspection Site: 7323 Omega Circle, Franksville, WI 53126
Issuance Date: 07/12/2024

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203.**

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

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

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

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

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

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

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

Signature

Date

Typed or Printed Name

Title

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

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

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

Inspection Number: 1721997
Inspection Date(s): 01/19/2024 - 01/19/2024
Issuance Date: 07/12/2024



Citation and Notification of Penalty

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7323 Omega Circle, Franksville, WI 53126

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

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

29 CFR 1910.147(c)(4)(ii): The energy control procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy.

(a) On or about January 17, 2024, located at 7323 Omega Circle, Franksville, WI 53126, employees were conducting maintenance and servicing work on a waste collection vehicle to identify and repair a leak. The employer did not ensure the documented energy control procedures included rules and techniques for employees to utilize when re-energizing the vehicle to perform diagnostic testing, thereby exposing employees to caught-in hazards while reaching in and around rotating parts.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 28, 2024
Proposed Penalty: \$16,131.00

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: 1721997
Inspection Date(s): 01/19/2024 - 01/19/2024
Issuance Date: 07/12/2024



Citation and Notification of Penalty

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7323 Omega Circle, Franksville, WI 53126

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

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedure) was not done in sequence as required by 29 CFR 1910.147(d)(1) through (f):

(a) On or about January 17, 2024, located at 7323 Omega Circle, Franksville, WI 53126, employees were exposed to equipment hazards associated with moving and rotating parts when conducting maintenance and servicing work on a waste collection vehicle to identify and repair a leak.

The employer did not ensure that energy control application steps were implemented as the vehicle was not shut down and turned off to perform the servicing work [per the 1910.147(d)(2) requirements]. As a result, the remaining applicable energy control elements, involving machine isolation [(d)(3)], LOTO device application [(d)(4)], dissipation of residual energy [(d)(5)(i)], verification of isolation [(d)(6)], and then ensure the work area of the vehicle's engine compartment was clear of employees prior to release of lockout to perform testing and/or positioning of engine drive components [(f)(1)(i)-(v)], were not implemented to protect employees from vehicle servicing hazards.

On January 17, 2024, an employee was caught-around a rotating PTO shaft when reaching over the shaft to locate a hydraulic leak near/at the hydraulic pump while the vehicle's engine was running.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 28, 2024
Proposed Penalty: \$0.00

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

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

Inspection Number: 1721997
Inspection Date(s): 01/19/2024 - 01/19/2024
Issuance Date: 07/12/2024



Citation and Notification of Penalty

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7323 Omega Circle, Franksville, WI 53126

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed.

(a) On or about January 30, 2024, the employer did not perform an annual inspection of the Machine Specific Lockout/Tagout for Truck Maintenance procedure and review each employee's responsibilities under the procedure to ensure employees were correctly implementing energy control procedures when performing maintenance on waste collection vehicles in the maintenance department, exposing employees to entanglement hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 28, 2024
\$16,131.00

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: 1721997
Inspection Date(s): 01/19/2024 - 01/19/2024
Issuance Date: 07/12/2024



Citation and Notification of Penalty

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7323 Omega Circle, Franksville, WI 53126

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

29 CFR 1910.243(c)(3): Abrasive wheels used on vertical portable grinder(s) (right angle head grinders) were not provided with safety guard(s) having a maximum exposure angle of 180 degrees and located between the operator and wheel:

(a) On or about January 19, 2024, located at 7323 Omega Circle, Franksville, WI 53126, an employee was operating a portable angle grinder with the safety guard removed to cut chains, thereby exposing the employees to struck-by hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$10,140.00

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: 1721997
Inspection Date(s): 01/19/2024 - 01/19/2024
Issuance Date: 07/12/2024



Citation and Notification of Penalty

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7323 Omega Circle, Franksville, WI 53126

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

29 CFR 1910.147(c)(7)(i)(A): Authorized employee(s) did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation.

(a) On or about January 17, 2024, located at 7323 Omega Circle, Franksville, WI 53126, the employer did not ensure that each employee performing service and maintenance covered activities on trash collection vehicles were provided with authorized lockout/tagout training prior to the assignment of work in the maintenance department.

John's Disposal Services, Inc. was previously cited for a violation of its equivalent Occupational Safety and Health standard 29 CFR 1910.147(c)(7)(i), which was contained in OSHA inspection number 1621763, citation number 1, item number 4, group letter e, and was affirmed as a final order on March 8, 2023, with respect to a workplace located at 7311 Omega Circle, Franksville, WI 53216.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 28, 2024
\$88,721.00

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: 1721997
Inspection Date(s): 01/19/2024 - 01/19/2024
Issuance Date: 07/12/2024



Citation and Notification of Penalty

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7323 Omega Circle, Franksville, WI 53126

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

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l):

(a) On or about January 19, 2024, the employer failed to ensure that each powered industrial truck operator was provided with training to operate a powered industrial truck safely in the maintenance department, exposing employees to struck-by and crushing hazards.

Johns Disposal Services, Inc. was previously cited for a violation of this Occupational Safety and Health standard, which was contained in OSHA inspection number 1621763, citation number 1, item number 6, group number a, and was affirmed as a final order on March 8, 2023, with respect to a workplace located at 7311 Omega Circle, Franksville, WI 53126.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 28, 2024
\$63,382.00

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: 1721997
Inspection Date(s): 01/19/2024 - 01/19/2024
Issuance Date: 07/12/2024



Citation and Notification of Penalty

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7323 Omega Circle, Franksville, WI 53126

Citation 2 Item 3 Type of Violation: **Repeat - Serious**

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

(a) On or about January 17, 2024, located at 7323 Omega Circle, Franksville, WI 53126, the employer did not provide hazard communication training to employees working with chemicals in the maintenance department which included, but was not limited to, compressed gases (oxygen, acetylene and propane), hydraulic fluid, brake cleaner, engine oil, anti-freeze and diesel fuel. Employees working in the maintenance department have exposure to potential fire, explosion and contact hazards associated with these hazardous chemicals.

John's Disposal Services, Inc. was previously cited for a violation of this Occupational Safety and Health standard, which was contained in OSHA inspection number 1626018, citation number 1, item number 5, group letter b, and was affirmed as a final order on March 6, 2023, with respect to a workplace located at 7311 Omega Circle, Franksville, WI 53216.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

August 28, 2024

Proposed Penalty:

\$38,022.00

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: 1721997
Inspection Date(s): 01/19/2024 - 01/19/2024
Issuance Date: 07/12/2024



Citation and Notification of Penalty

Company Name: John's Disposal Services, Inc. / John's Recycling, Inc.
Inspection Site: 7323 Omega Circle, Franksville, WI 53126

Citation 3 Item 1 Type of Violation: **Repeat - Other**

29 CFR 1910.178(l)(4)(iii): An evaluation of each powered industrial truck operator's performance was not being conducted at least once every three years:

(a) On or about January 19, 2024, the employer failed to ensure forklift operators were evaluated at least once every three years.

Johns Disposal Services, Inc. was previously cited for a violation of this Occupational Safety and Health standard, which was contained in OSHA inspection number 1621763, citation number 1, item number 6, group letter b, and was affirmed as a final order on March 8, 2023, with respect to a workplace located at 7311 Omega Circle, Franksville, WI 53126.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 28, 2024
\$506.00

for A handwritten signature in blue ink, appearing to read "for" followed by a stylized signature.

Dustin Schnipke
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
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: John's Disposal Services, Inc. dba John's Recycling, Inc.
Inspection Site: 7323 Omega Circle, Franksville, WI 53126
Issuance Date: 07/12/2024

Summary of Penalties for Inspection Number: 1721997

Citation 1 Item 1a, Serious	\$16,131.00
Citation 1 Item 1b, Serious	\$0.00
Citation 1 Item 2, Serious	\$16,131.00
Citation 1 Item 3, Serious	\$10,140.00
Citation 2 Item 1, Repeat - Serious	\$88,721.00
Citation 2 Item 2, Repeat - Serious	\$63,382.00
Citation 2 Item 3, Repeat - Serious	\$38,022.00
Citation 3 Item 1, Repeat - Other	\$506.00

TOTAL PROPOSED PENALTIES: **\$233,033.00**

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

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.

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

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

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

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

for 

Dustin Schnipke

Area Director


Date