



SC Dept. of Labor, Licensing and Regulation

Office of Occupational Safety and Health

P.O. Box 11329

Columbia, SC 29211-1329

Phone: 803-896-7665 FAX: 803-896-7670

Citation and Notification of Penalty

To:
Cedar Fair Southwest Inc dba Carowinds
P.O. Box 410289
Charlotte, NC 282410289

Inspection Number: 318056579
CSHO ID: A1842
Optional Report No.: 0295-19
Inspection Date(s): 3/6/2019 - 8/28/2019
Issuance Date: 9/5/2019

Inspection Site:
14523 Carowinds Blvd
Fort Mill, SC 29715

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 serves as the Agency's Determination with regard to an inspection of a workplace under your operation, ownership or control. This inspection has revealed conditions which we believe, do not comply with certain safety and health rules and regulations promulgated pursuant to 41-15-210, South Carolina Code of Laws, 1976, as amended. The nature of such alleged violation(s) is described in the enclosed citation with references to applicable OSHA standards, rules and regulations, and provisions of the law. All applicable OSHA standards referenced have been adopted pursuant to S.C. Code Ann. §41-15-220 and are incorporated by reference into this state's regulations pursuant to S.C. Code Ann. Regs. 71-108.

POSTING - The law requires that a copy of the enclosed citation(s), unedited, be prominently posted immediately upon receipt at or near each place a violation referred to in the citation occurred ("affected work area"). In the event that it is not practical to post the citation in the affected work area, the citation must be prominently posted in a place readily observable by all affected employees. It must remain posted until all violations cited therein are corrected, or for three (3) days, whichever period is later.

ABATEMENT - Alleged violations that are not contested shall be corrected by the abatement date specified in the citation. Failure to correct an alleged violation within the abatement period may result in an additional assessment of penalties.

As to alleged violations, you are directed to certify to the Compliance Manager, within ten (10) calendar days following the abatement dates assigned, the specific corrective action taken for each violation and date of such action. A copy or summary of this corrective action must be posted in the affected work area on or before submission to OSHA. Employees or their representatives (where applicable) must be informed of their right to examine and copy all abatement documents submitted. Employers must comply with these requests with five (5) working days. **For abatement dates over ninety (90) days, an Abatement Verification Plan may be required to be submitted.**

If additional time is needed to correct the alleged violations in the citation, you may request an extension by writing the Compliance Manager within the following applicable time frames: 1) any time within the thirty (30) day contest period, or 2) not later than one (1) day after the last abatement date for the alleged violation on which an extension is needed.

PENALTY PAYMENT - Penalties as outlined in this Citation and Notification of Penalty, the **Agency's Determination**, are due within thirty (30) days of receipt unless contested. Make your check or money order payable to the South Carolina Department of Labor, Licensing, and Regulation at the address listed above. Please indicate the inspection number on the remittance.

RIGHT TO CONTEST - You have the right to contest the citation(s), the abatement dates and/or the proposed penalty (ies) enclosed in this **Citation and Notification of Penalty**. As this is the **Agency's Determination**, you may file a Request for a Contested Case Hearing with the South Carolina Administrative Law Court (ALC) within thirty (30) calendar days of receipt of this Citation and Notification of Penalty. These procedures may be found on the ALC website at <http://www.scalc.net/rules.aspx> or you may contact the Clerk, SC Administrative Law Court, Edgar A. Brown Building, 1205 Pendleton Street, Suite 224, Columbia, SC 29201, (803) 734-0550.

INFORMAL CONFERENCE - If an employer wishes to have an informal discussion in the interest of reaching a settlement regarding the citation(s), the abatement date(s), and/or penalty(ies) without a formal contest, an informal conference can be arranged by contacting the Informal Conference Office at 803-896-7687. In order for a conference to be scheduled and a decision to be provided, the Informal Conference Office should be contacted as soon as possible after the receipt of the **Citation and Notification of Penalty**.

All informal conferences must be held within the thirty (30) day contest period. **AN INFORMAL CONFERENCE SHALL NOT OPERATE AS A STAY FOR THE THIRTY (30) DAY CONTEST PERIOD AND NO CONFERENCE OR REQUEST FOR A CONFERENCE WILL BE HELD OR ACCEPTED SUBSEQUENT TO RECEIPT OF A NOTICE OF CONTEST.**

If an informal conference is scheduled, the employer must notify the affected employees or union representative of the date, time, and location of the informal conference, the items to be discussed and their right to participate. Notice may be accomplished by the employer by posting a notice (see "Notice to Employees of Informal Conference" provided with this package) by the citation or by serving a copy of the notice on the union representative. A copy of the notice must be provided to the Informal Conference Hearing Officer at the time of the conference. An informal conference will not be conducted unless the employee or union representative has been afforded the opportunity to participate. Be sure to bring to the conference any and all supporting documentation of existing as well as any abatement steps taken thus far. If conditions warrant, we may enter into an informal settlement agreement (ISA) to resolve all issues.

EMPLOYER DISCRIMINATION UNLAWFUL - The law prohibits discrimination by an employer against any employee filing a complaint or for exercising any rights under the OSHA Act. An employee who believes that he/she has been discriminated against may file a complaint no later than thirty (30) days after the discrimination occurred with the South Carolina Department of Labor, Licensing, and Regulation at the address shown above.

CONCLUSION - A follow-up inspection may be conducted for the purpose of determining that you have complied with the posting requirements outlined in the law and abated (corrected) the alleged violations as you have reported in the corrective action documentation. Note that the law provides that whoever knowingly gives false information will be subject to a fine and/or imprisonment.

If you wish further information, you may direct such requests to the Compliance Manager at the address listed above.

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 9/5/2019. The conference will be held at the OSHA office located at 121 Executive Center Drive, Columbia, S.C. 29210 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

SC Dept of Labor, Licensing & Regulation	Inspection Number:	318056579
Office of Occupational Safety and Health	Inspection Date(s):	3/6/2019 - 8/28/2019
	Issuance Date:	9/5/2019
	CSHO ID:	A1842
	Optional Report No.:	0295-19

Citation and Notification of Penalty

Company Name: Cedar Fair Southwest Inc dba Carowinds
Inspection Site: 14523 Carowinds Blvd, Fort Mill, SC 29715

Citation 01 Item 001 Type of Violation: **Serious**

29 CFR 1910.146(c)(1), as adopted pursuant to SC Code Ann. §41-15-220 and incorporated by reference pursuant to SC Ann. Regs. 71-108: Failed to evaluate the workplace to determine if any spaces are permit-required confined spaces, as follows:

A. Permit-required confined space evaluation was not conducted for confined spaces, such as, but not limited to, the Mondial Windseeker at Carowinds.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must Be Abated:	10/8/2019
Proposed Penalty:	\$7,000.00

SC Dept of Labor, Licensing & Regulation **Inspection Number:** 318056579
Office of Occupational Safety and Health **Inspection Date(s):** 3/6/2019 - 8/28/2019
 Issuance Date: 9/5/2019
 CSHO ID: A1842
 Optional Report No.: 0295-19

Citation and Notification of Penalty

Company Name: Cedar Fair Southwest Inc dba Carowinds
Inspection Site: 14523 Carowinds Blvd, Fort Mill, SC 29715

Citation 01 Item 002 Type of Violation: **Serious**

29 CFR 1910.146(c)(4), as adopted pursuant to SC Code Ann. §41-15-220 and incorporated by reference pursuant to SC Ann. Regs 71-108: Failed to develop and implement a written permit space entry program that complies with this section if the employer decides that its employees will enter permit spaces. The written program shall be available for inspection by employees and their authorized representatives, as follows:

- A. A written permit space entry program was not developed and implemented for employees required to enter the Mondial Windseeker at Carowinds.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must Be Abated: **10/8/2019**
Proposed Penalty: **\$7,000.00**

SC Dept of Labor, Licensing & Regulation Office of Occupational Safety and Health	Inspection Number: 318056579
	Inspection Date(s): 3/6/2019 - 8/28/2019
	Issuance Date: 9/5/2019
	CSHO ID: A1842
	Optional Report No.: 0295-19

Citation and Notification of Penalty

Company Name: Cedar Fair Southwest Inc dba Carowinds
Inspection Site: 14523 Carowinds Blvd, Fort Mill, SC 29715

Citation 01 Item 003 Type of Violation: **Serious**

29 CFR 1910.146(c)(8), as adopted pursuant to SC Code Ann. §41-15-220 and incorporated by reference pursuant to SC Ann. Regs. 71-108: Failed to (i) Inform the contractor that the workplace contains permit spaces and that permit space entry is allowed only through compliance with a permit space program meeting the requirements of this section; (ii) Apprise the contractor of the elements, including the hazards identified and the host employer's experience with the space, that make the space in question a permit space; (iii) Apprise the contractor of any precautions or procedures that the host employer has implemented for the protection of employees in or near permit spaces where contractor personnel will be working; (iv) Coordinate entry operations with the contractor, when both host employer personnel and contractor personnel will be working in or near permit spaces, as required by paragraph (d)(11) of this section; and (v) Debrief the contractor at the conclusion of the entry operations regarding the permit space program followed and regarding any hazards confronted or created in permit spaces during entry operation, when an employer (host employer) arranges to have employees of another employer (contractor) perform work that involves permit space entry, as follows:

A. Contractors were not informed of a permit required confined space, the elements that made the space a permit space, precautions or procedures implemented to protect contract employees in or near permit spaces, entry operations were not coordinated with contractors, and contractors were not debriefed at the conclusion of entry operations for employees entering permit required confined spaces, such as but not limited to, the Mondial Windseeker at Carowinds.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must Be Abated:	10/8/2019
Proposed Penalty:	\$7,000.00

SC Dept of Labor, Licensing & Regulation **Inspection Number:** 318056579
Office of Occupational Safety and Health **Inspection Date(s):** 3/6/2019 - 8/28/2019
Issuance Date: 9/5/2019
CSHO ID: A1842
Optional Report No.: 0295-19

Citation and Notification of Penalty

Company Name: Cedar Fair Southwest Inc dba Carowinds
Inspection Site: 14523 Carowinds Blvd, Fort Mill, SC 29715

Citation 01 Item 004 Type of Violation: **Serious**

29 CFR 1910.146(e)(1), as adopted pursuant to SC Code Ann. §41-15-220 and incorporated by reference pursuant to SC Ann. Regs. 71-108: Failed to document the completion of measures required by paragraph (d)(3) of this section by preparing an entry permit before entry is authorized, as follows:

A. An entry permit was not required for employees entering permit required confined space such as, but not limited to, the Mondial Windseeker at Carowinds.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must Be Abated:	10/8/2019
Proposed Penalty:	\$7,000.00

SC Dept of Labor, Licensing & Regulation	Inspection Number: 318056579
Office of Occupational Safety and Health	Inspection Date(s): 3/6/2019 - 8/28/2019
	Issuance Date: 9/5/2019
	CSHO ID: A1842
	Optional Report No.: 0295-19

Citation and Notification of Penalty

Company Name: Cedar Fair Southwest Inc dba Carowinds
Inspection Site: 14523 Carowinds Blvd, Fort Mill, SC 29715

Citation 01 Item 005 Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(i), as adopted pursuant to SC Code Ann. §41-15-220 and incorporated by reference pursuant to SC Ann. Regs. 71-108: Failed to develop, document and utilize procedures for the control of potentially hazardous energy when employees are engaged in the activities covered by this section, as follows:

A. Written energy control procedures not developed and utilized for equipment such as, but not limited to, the Mondial Windseeker at Carowinds.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must Be Abated:	10/8/2019
Proposed Penalty:	\$7,000.00

SC Dept of Labor, Licensing & Regulation **Inspection Number:** 318056579
Office of Occupational Safety and Health **Inspection Date(s):** 3/6/2019 - 8/28/2019
 Issuance Date: 9/5/2019
 CSHO ID: A1842
 Optional Report No.: 0295-19

Citation and Notification of Penalty

Company Name: Cedar Fair Southwest Inc dba Carowinds
Inspection Site: 14523 Carowinds Blvd, Fort Mill, SC 29715

Citation 01 Item 006 Type of Violation: **Serious**

29 CFR 1910.147(f)(2)(i), as adopted pursuant to SC Code Ann. §41-15-220 and incorporated by reference pursuant to SC Ann. Regs. 71-108: Failed to inform and be informed by the outside employer of their respective lockout or tagout procedures whenever outside servicing personnel (contractors, etc.) are to be engaged in activities covered by the scope and application of this standard, as follows:

A. On or about March 6, 2019, a contractor was not informed of the lockout/tagout procedures to be used while performing maintenance, such as, but not limited to, performing inspections on the cable wires on the Mondial Windseeker at Carowinds jobsite.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must Be Abated:	10/8/2019
Proposed Penalty:	\$7,000.00

Anthony Wilks
 South Carolina Dept of LLR



SC Dept. of Labor, Licensing and Regulation

Office of Occupational Safety and Health

P.O. Box 11329

Columbia, SC 29211-1329

Phone: 803-896-7665 FAX: 803-896-7670

INVOICE DEBT COLLECTION NOTICE

Company Name: Cedar Fair Southwest Inc dba Carowinds
Inspection Site: 14523 Carowinds Blvd, Fort Mill, SC 29715
Issuance Date: 9/5/2019
Optional Report Number: 0295-19

Summary of Penalties for Inspection Number: 318056579

Citation 1, Serious = \$42,000.00
TOTAL PENALTIES = \$42,000.00

Anthony Wilks
Compliance Manager

Date