

THE INDUSTRIAL COMMISSION OF ARIZONA
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

In the Matter of: Cochise County - Douglas Road Yard
OSHA No.(s): T3633 1472337

INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Division of Occupational Safety and Health (ADOSH), in settlement of the above referenced citation(s) and penalties which were issued on August 3, 2020, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citations or as amended below.
2. The Employer agrees to pay the proposed penalties, if any, as issued with the above citation(s), or, if amended by this agreement, as amended below. Payment will be made in full within 15 calendar days of the signing of this agreement, or according to the terms of the attached Informal Payment Plan, if any. In the event the employer is in default, the penalties assessed will revert to the original penalty amount.
3. The Employer and ADOSH agree that the following citation(s) and penalties, if any, are not being amended: Citation 1, items 1b, 1c
4. ADOSH agrees that the following citations and penalties are being amended as shown below:
 - (a) Penalty assessed on Citation 1, item 1a, is hereby deleted, citation will stand as issued.
5. **The employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties.**
6. The employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in paragraph 4 above. This Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and Legal Holidays), whichever is longer.
7. The employer agrees to continue to comply with the applicable provisions of the Arizona Occupational Safety and Health Act of 1972, and the applicable safety and health standards promulgated pursuant to the Act.
8. By entering into this agreement, the employer does not admit that it violated the cited standards for any litigation or purpose other than a subsequent proceeding under the Arizona Occupational Safety and Health Act.

9. No changes to this Informal Settlement Agreement may be made without prior authorization from ADOSH management. Any unauthorized changes will void this agreement in its entirety.

Division of Occupational Safety & Health

For the Employer

Date: _____

Date: _____

Note: In the event you decide not to sign this Informal Settlement Agreement, please be aware that the original citations and penalties issued as a result of the above-reference inspection will become a final order and not subject to review by any court or agency unless a written notice of contest is filed with ADOSH prior to expiration the contest period noted on this agreement.

Please note: The contest period ends at 5:00 PM, Arizona time on August 26, 2020.