

U.S. Department of Labor
Occupational Safety and Health Administration
Edmund S. Muskie Federal Bldg.
40 Western Avenue, Room G-26
Augusta, ME 04330
Phone: (207)626-9160 FAX: (111)222-3333



Citation and Notification of Penalty

To:
Cives Steel Company
and its successors
P.O. Box 1077
Augusta, ME 04330

Inspection Number: 316216969
Inspection Date(s): 01/10/2012-02/09/2012
Issuance Date: 07/06/2012

Inspection Site:
103 Lipman Road
Augusta, ME 04330

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 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. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be

submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5 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.

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

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

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

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

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

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.

ABATEMENT CERTIFICATION

WILLIAM J. COFFIN, Area Director
U.S. Department of Labor - OSHA
Edmund S. Muskie Federal Bldg.
40 Western Avenue, Room G-26
Augusta, ME 04330
Phone: (207)626-9160

Cives Steel Company
P.O. Box 1077
Augusta, ME 04330

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

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

Signature

Typed or Printed Name



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/06/2012. The conference will be held at the OSHA office located at Edmund S. Muskie Federal Bldg., 40 Western Avenue, Room G-26, Augusta, ME, 04330 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Cives Steel Company
Inspection Site: 103 Lipman Road, Augusta, ME 04330

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to struck-by hazards:

Assembly Area - The in-house fabricated base plate lifter was not marked with its rated capacity, design category and service class in accordance with applicable industry standards such as ASME B30.20, Below-the-Hook Lifting Devices, and ASME BTH-1, Design of Below-the-Hook Lifting Devices. Nor did the employer provide documentation that the device was designed and tested in accordance with applicable industry design standards such as ASME BTH-1, Design of Below-the-Hook Lifting Devices.

Feasible and acceptable abatement methods to correct this hazard include, but are not limited to the following:

1. Ensure that a qualified person determines the design category and service class, and mark them on the lifting device in accordance with ASME BTH-1, Design of Below-the-Hook Lifting Devices.
2. Ensure that the rated capacity is determined based on design and testing criteria specified in ASME BTH-1, Design of Below-the-Hook Lifting Devices, and mark the rated capacity on the lifting device in accordance with ASME B30.20, Below-the-Hook Lifting Devices.
3. Maintain the design and testing documentation in accordance with ASME BTH-1, Design of Below-the-Hook Lifting Devices.
4. Ensure "Every Lift Inspections" of the lifting device are made by operators to verify critical components such as designated pin connections are used as required by ASTM B30.20.

Date By Which Violation Must be Abated: 07/10/2012
Proposed Penalty: \$ 4400.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Cives Steel Company
Inspection Site: 103 Lipman Road, Augusta, ME 04330

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to laceration hazards:

Shipping Yard - The Ryobi 18 inch gas powered chain saw was started in an unsafe manner in that it was drop started.

One method of feasible abatement is to establish the practice of safely starting the chainsaw by following the manufacturer's procedure for starting the chainsaw. The manufacture specifies that the chain saw is to be placed on level ground, ensure that no objects or obstructions are in the immediate vicinity that could come in contact with the bar and chain, hold the front handle firmly with your left hand and put your right foot onto the base of the rear handle.

Date By Which Violation Must be Abated: 07/10/2012
Proposed Penalty: \$ 3300.00



Citation and Notification of Penalty

Company Name: Cives Steel Company
Inspection Site: 103 Lipman Road, Augusta, ME 04330

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

29 CFR 1910.36(b)(2): More than two exit routes were not available when the number of employees, the size of the building, its occupancy, or the arrangement of the workplace was such that all employees would not be able to evacuate safely during an emergency:

Main Shop, Mezzanine - The partially enclosed mezzanine was not provided with two or more means of egress, and at least one of them providing access from the mezzanine directly into an exit stair enclosure that discharges to the outdoors.

Note: NFPA 101-Life Safety Code specifies the egress requirements for mezzanines. Refer to the Chapters titled Features of Fire Protection and Industrial Occupancies.

Date By Which Violation Must be Abated: 08/08/2012
Proposed Penalty: \$ 4400.00

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

29CFR1910.125(f)(3): A cover that is closed by an approved automatic device was not provided as a substitute for an automatic fire-extinguishing system:

Maintenance Shop - The manufacturer's fusible link was removed from the cover of the Safety-Kleen parts cleaner.

Date By Which Violation Must be Abated: 07/10/2012
Proposed Penalty: \$ 3300.00



Citation and Notification of Penalty

Company Name: Cives Steel Company
Inspection Site: 103 Lipman Road, Augusta, ME 04330

Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.132(a): Protective equipment was not used when necessary whenever hazards capable of causing injury and impairment were encountered:

- a) Shipping Yard - Employees were exposed to falls from heights up to 13 feet while standing on fabricated steel being loaded onto flatbed trailers.
- b) Receiving Yard - Employees were exposed to falls from heights in excess of 4 feet while standing on structural steel and attaching or detaching crane rigging.
- c) Shipping and Receiving Yards - Leg protection made of cut resistant material, such as chaps, were not provided and worn to protect against lacerations while using the chain saw.

Date By Which Violation Must be Abated: 08/23/2012
Proposed Penalty: \$ 7000.00

Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.146(c)(4): When the employer decided that its employees will enter permit spaces, the employer did not develop and implement a written permit space entry program that complied with 29 CFR 1910.146:

Establishment - The employer did not implement the applicable elements of a permit space entry program that complied with 29 CFR 1910.146.

Date By Which Violation Must be Abated: 07/23/2012
Proposed Penalty: \$ 5500.00



Citation and Notification of Penalty

Company Name: Cives Steel Company
Inspection Site: 103 Lipman Road, Augusta, ME 04330

Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.165(d)(1): Employee alarm systems were not maintained in operating condition:

Office Building, Second Floor, East Wall Exit - The container of compressed gas used to alert employees of an evacuation was empty.

Date By Which Violation Must be Abated: 07/10/2012
Proposed Penalty: \$ 3300.00

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.303(f)(2): Each service, feeder and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident:

- a) Detail Department, Northeast Corner, Lighting Panel L50 - Thirty three single pole circuit breakers and two double pole circuit breakers were not marked to indicate their purpose.
- b) Detail Department, Northeast Corner, Lighting Panel No. 14 - Twenty four single pole circuit breakers were not marked to indicate their purpose.

Date By Which Violation Must be Abated: 07/19/2012
Proposed Penalty: \$ 5500.00

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.333(b)(2)(i): The employer did not maintain a written copy of the procedures outlined in 29 CFR 1910.333 (b)(2) and did not make it available for inspection by employees:

Establishment - A written procedure was not available specifying the requirement to test for the absence of voltage after locking out electrical equipment and before performing service on that electrical equipment.

Date By Which Violation Must be Abated: 07/10/2012
Proposed Penalty: \$ 3300.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Cives Steel Company
Inspection Site: 103 Lipman Road, Augusta, ME 04330

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

29 CFR 1910.335(a)(1)(i): Employees working in areas where there were potential electrical hazards were not provided with, and/or did not use, electrical protective equipment that was appropriate for the specific parts of the body to be protected and for the work to be performed:

Establishment - Maintenance employees were not provided with and did not use personal protective equipment to protect against the hazards of electrical shock, arc flash and arc blast while performing diagnostic work on electrical equipment up to and including 480 volts.

Date By Which Violation Must be Abated: 07/16/2012
Proposed Penalty: \$ 70000.00



Citation and Notification of Penalty

Company Name: Cives Steel Company
Inspection Site: 103 Lipman Road, Augusta, ME 04330

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

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and cables were used as a substitute for the fixed wiring of a structure:

- a) Detail Department, North Wall - An orange extension cord provided power to a component of the dust collector located outdoors.
- b) Detail Department, North Wall - A yellow gang-type extension cord provided power to heat tape located outdoors and to heat tape located indoors.

Cives Steel Company, Northern Division, was previously cited for a violation of 29 CFR 1910.305(g)(1)(iv)(A), which was contained in OSHA inspection number 312373970, citation number 1, item number 5 and was affirmed as a final order on 4/25/10, with respect to a workplace located at 40 Factory Road, Gouverneur, New York.

Date By Which Violation Must be Abated: 07/10/2012
Proposed Penalty: \$ 22000.00



Citation and Notification of Penalty

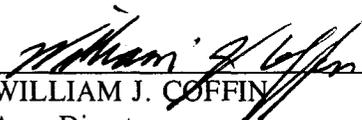
Company Name: Cives Steel Company
Inspection Site: 103 Lipman Road, Augusta, ME 04330

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

29 CFR 1910.1200(f)(5)(i): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein:

Detail Department, Carlton Drill Station - The hazardous chemical label on the coolant tank was not legible.

Date By Which Violation Must be Abated: 07/10/2012
Proposed Penalty: \$ 0.00


WILLIAM J. COFFIN
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration

Edmund S. Muskie Federal Bldg.

40 Western Avenue, Room G-26

Augusta, ME 04330

Phone: (207)626-9160 FAX: (207)622-8213

INVOICE/ DEBT COLLECTION NOTICE

Company Name: Cives Steel Company
Inspection Site: 103 Lipman Road, Augusta, ME 04330
Issuance Date: 07/06/2012

Summary of Penalties for Inspection Number 316216969

Citation 1, Serious	= \$	40000.00
Citation 2, Willful	= \$	70000.00
Citation 3, Repeat	= \$	22000.00
Citation 4, Other	= \$	0.00
TOTAL PROPOSED PENALTIES	= \$	132000.00

To avoid additional charges, please remit payment promptly to this OSHA Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:

"DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

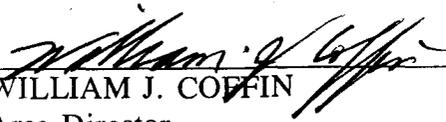
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

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

Cives Steel Company

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 three percent (3%) 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 second and subsequent demand letters sent in an attempt to collect the unpaid debt. Costs will not be assessed for first demand letters and payment default letters.



WILLIAM J. COFFIN
Area Director

7/6/2022

Date