

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
46 E. Ohio Street, Room 453  
Indianapolis, IN 46204  
Phone: 317-226-7290 Fax: 317-226-7292

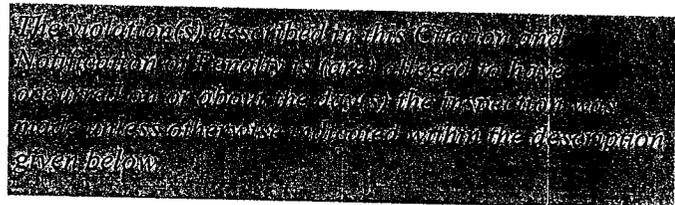


## Citation and Notification of Penalty

**To:**  
JEFFBOAT LLC  
P.O. BOX 610  
Jeffersonville, IN 47130

**Inspection Number:** 98680  
**Inspection Date(s):** 08/19/2011 - 02/15/2012  
**Issuance Date:** 02/15/2012

**Inspection Site:**  
1030 EAST MARKET STREET  
Jeffersonville, IN 47130



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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**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 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 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, 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, but not sooner than 30 calendar days after the citation issuance date. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/15/2012. The conference will be held at the OSHA office located at 46 E. Ohio Street, Rm. 453, Indianapolis, IN 46204 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 98680**

Company Name: JEFFBOAT LLC

Inspection Site: 1030 EAST MARKET STREET, Jeffersonville, IN 47130

Issuance Date: 02/15/2012

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, 46 E. Ohio Street, , Room 453 Indianapolis, IN 46204**

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:** JEFFBOAT LLC

**Inspection Site:** 1030 EAST MARKET STREET, Jeffersonville, IN 47130

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

OSH ACT of 1970 Section (5)(a)(1): 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:

(a) On or about August 19, 2011, employees were permitted to be near or between the rails traversed by material handling equipment moving down the rails, such as, but not limited to Jeffboat Transfer Cars.

Among other methods, one feasible and acceptable means of abatement would be to train employees not to be near or on the tracks when moving the transfer cars and to install guarding.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

02/22/2012

Proposed Penalty:

\$7000.00

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

OSH ACT of 1970 Section (5)(a)(1): 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.

(a) On or about August 19, 2011, Electricians required to perform maintenance and servicing on Jeffboat Transfer Cars were not provided with adequate hazardous energy control procedures to protect them from unexpected equipment start-up or energy releases.

(b) On or about August 19, 2011, Electricians required to perform maintenance and servicing on



**Citation and Notification of Penalty**

**Company Name:** JEFFBOAT LLC

**Inspection Site:** 1030 EAST MARKET STREET, Jeffersonville, IN 47130

Jeffboat Transfer Cars were not required to isolate battery power (electrical energy) from the equipment to protect them from unexpected equipment start-up or energy releases.

(c) On or about August 19, 2011, Electricians required to perform maintenance and servicing on Jeffboat Transfer Cars were not required to affix lockout/tagout devices to energy isolating devices in order to prevent unexpected start-up or energy releases.

(d) On or about August 19, 2011, Electricians required to perform maintenance and servicing on Jeffboat Transfer Cars were not required to verify that measures taken to turn off transfer cars were adequate to prevent unexpected start-up or energy releases.

Among other methods, one feasible and acceptable means of abatement would be to follow ANSI/ASSE Z244.1-2003 to control employee exposure to hazardous energy by instituting an energy control program which should include user responsibilities, methods of control, lockout/ tagout program, alternative methods, communication and training, and program review.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

03/14/2012

Proposed Penalty:

\$7000.00

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

29 CFR 1910.178(l)(1)(ii): The employer did not ensure that each operator had successfully completed the training required by paragraph (l), except as permitted by paragraph (l)(5), prior to permitting an employee to operate a powered industrial vehicle:

(a) In Line #1 and Launchway - On or about August 19, 2011, employees operating the transfer cars had not been properly trained on transfer cars, also known as barge movers or buggies.



**Citation and Notification of Penalty**

**Company Name:** JEFFBOAT LLC

**Inspection Site:** 1030 EAST MARKET STREET, Jeffersonville, IN 47130

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

02/29/2012

Proposed Penalty:

\$7000.00

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

29 CFR 1910.178(q)(7): Industrial vehicles were not examined before being placed in service:

(a) Line #1 and Launchway - On or about August 19, 2011, employees operating the transfer cars, also known as a barge mover or buggy, were not inspecting the transfer cars prior to use or at the beginning of each shift.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

02/29/2012

Proposed Penalty:

\$7000.00

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

29 CFR 1910.178(p)(1): Where powered industrial trucks were found to be in need of repair, defective, or in any way unsafe, the trucks were not taken out of service until they had been restored to safe operating condition:



**Citation and Notification of Penalty**

**Company Name:** JEFFBOAT LLC

**Inspection Site:** 1030 EAST MARKET STREET, Jeffersonville, IN 47130

IN THE ALTERNATIVE:

29 CFR 1915.111(a):

Defective gear and material handling equipment was not removed and repaired or replaced before further use:

(a) Line #1 Position #3 - On or about August 19, 2011, an Electrician was asked to repair Transfer Car/Barge Mover #008 due to a malfunction. It was determined that this Transfer Car could not be repaired and was to be removed. An accident occurred. Transfer Car #008 was used in attempt to free an injured employee even though it had been removed from service due to being defective.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

02/15/2012

Proposed Penalty:

\$7000.00

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

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief was provided that would prevent pull from being directly transmitted to joints or terminal screws:

(a) Transfer Car Ductowire Pendants throughout the Facility - Transfer car 008 was using a Ductowire L Series Pendant to control movement of the transfer car. An external strain relief hook was present, but was not being used to provide strain relief. This deficiency was noted on or about September 9, 2011.



**Citation and Notification of Penalty**

**Company Name:** JEFFBOAT LLC

**Inspection Site:** 1030 EAST MARKET STREET, Jeffersonville, IN 47130

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/29/2012  
Proposed Penalty: \$7000.00

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

29 CFR 1915.181(b): Before an employee was permitted to work on an electrical circuit which was not required to be energized, the circuit was not de-energized and checked at the point at which the work was done to ensure that it was actually de-energized.

(a) On the Jeffboat Transfer Cars - On or about August 19, 2011, employees were not checking the circuits to ensure that they were de-energized prior to performing work on the Jeffboat Transfer Cars. Employees believed that checking the circuit to ensure de-energization could be done by waiting 20 seconds.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/22/2012  
Proposed Penalty: \$7000.00

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

Citation 2 Item 1 a Type of Violation: **Willful - Serious**



**Citation and Notification of Penalty**

**Company Name:** JEFFBOAT LLC

**Inspection Site:** 1030 EAST MARKET STREET, Jeffersonville, IN 47130

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

(a) Ductowire L Series Pendant used to operate the Ace World Companies Transfer Cars - On or about August 19, 2011, Transfer cars operated with Ductowire Pendants are used to move barges through the assembly process. Jeffboat, LLC Electricians are required to build and repair these pendants.

1. Pendants were found to be not initially assembled as per the installation instructions provided by Ductowire. The pendants were not built using round cable as specified by Ductowire, and the rubber boots were cutback much further than specified by Ductowire. This created a gap where water and moisture could enter the pendant.

2. Pendants were rebuilt using pendant housings that had gaps between the two pendant halves even when they were screwed tightly back together.

These pendants were continued to be used and kept outside even though moisture and water were entering the pendants.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

02/29/2012

Proposed Penalty:

\$70000.00

**Citation 2 Item 1 b Type of Violation: **Willful - Serious****

29 CFR 1910.303(b)(7)(iv): There were damaged parts that could adversely affect safe operation or mechanical strength of the equipment, such as parts that were broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating:

(a) Pendants for Transfer Car 004 and Transfer Car 008 - On or about August 19, 2011, pendants for Transfer Cars 004 and 008 contained damaged parts due to corrosion that may have adversely affected



**Citation and Notification of Penalty**

**Company Name:** JEFFBOAT LLC

**Inspection Site:** 1030 EAST MARKET STREET, Jeffersonville, IN 47130

the safe operation of the Transfer Cars.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

02/22/2012

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

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

29 CFR 1910.332(b)(1): Employees were not trained in and familiar with the safety-related work practices required by 1910.331 through 1910.335 that pertained to their respective job assignments:

(a) Throughout the Facility - On or about August 19, 2011, electricians, required to work on 480 volt or higher electrical equipment, were provided personal protective equipment designed to protect them from high voltage hazards. Employees report that they were provided the equipment, but were not trained on how to wear, inspect, limitations, maintenance or when to dispose of the equipment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

02/29/2012

Proposed Penalty:

\$ .00

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

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

**Inspection Number:** 98680  
**Inspection Date(s):** 08/19/2011 - 02/15/2012  
**Issuance Date:** 02/15/2012



**Citation and Notification of Penalty**

**Company Name:** JEFFBOAT LLC

**Inspection Site:** 1030 EAST MARKET STREET, Jeffersonville, IN 47130

29 CFR 1910.332(c): Type of training. The training required by this section shall be of the classroom or on-the-job type. The degree of training provided shall be determined by the risk to the employee.

(a) Throughout the Facility - On or about August 19th, 2011, electricians were not adequately provided the degree of training determined by the risk to the employee when working on circuits 480 volts or above.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

03/14/2012

A handwritten signature in cursive script that reads "Kenneth O. Gilbert".

**Kenneth O. Gilbert**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
46 E. Ohio Street, Room 453  
Indianapolis, IN 46204  
Phone: 317-226-7290 Fax: 317-226-7292



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** JEFFBOAT LLC  
**Inspection Site:** 1030 EAST MARKET STREET, Jeffersonville, IN 47130  
**Issuance Date:** 02/15/2012

<b>Summary of Penalties for Inspection Number</b>	<b>98680</b>
<b>Citation 1, Serious</b>	<b>\$49000.00</b>
<b>Citation 2, Willful - Serious</b>	<b>\$70000.00</b>
<b>Citation 3, Other-than-Serious</b>	<b>\$.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$119000.00</b>

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.

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 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.

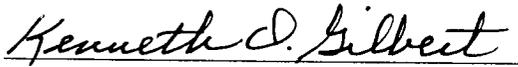
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

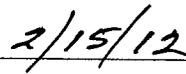
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%)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



**Kenneth O. Gilbert**

Area Director



Date