

U.S. Department of Labor
Occupational Safety and Health Administration
Houston South Area Office
17625 El Camino Real, Suite 400
Houston, TX 77058
Phone: (281)286-0583 FAX: (281)286-6352



Citation and Notification of Penalty

To:
BP Products North America, Inc

and its successors
PO Box 401
Texas City, TX 77592

Inspection Site:
2401 5th Ave S
Texas City, TX 77592

Inspection Number: 308314988
Inspection Date(s): 03/23/2005 - 09/12/2005

Issuance Date: 09/21/2005

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 enter into an Informal Settlement Agreement or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. 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 call our office between 8:00 a.m. and 4:30 p.m. for an appointment, **please complete, remove and post the page 4 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.

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.

Abatement Methods - The employer is not limited to abatement methods suggested by OSHA; i.e. methods explained are general and may not be effective in all cases. Other methods of abatement may be equally or more appropriate. Ultimate responsibility for determining the most appropriate abatement method rests with the employer, given its superior knowledge of the specific conditions at the worksite.

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 your inspection will be available 7 calendar days after the Citation Issuance Date. 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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/21/2005. The conference will be held at the OSHA office located at Houston South Area Office, 17625 El Camino Real, Suite 400, Houston, TX, 77058 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

ABATEMENT CERTIFICATION

CHARLES E. WILLIAMS, Area Director
U.S. Department of Labor - OSHA
Houston South Area Office
17625 El Camino Real, Suite 400
Houston, TX 77058
Phone: (281)286-0583

BP Products North America, Inc
PO Box 401
Texas City, TX 77592

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



Citation and Notification of Penalty

Company Name: BP Products North America, Inc
Inspection Site: 2401 5th Ave S, Texas City, TX 77592

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

29 CFR 1910.120(q)(2)(x): The employer does not ensure that the emergency response plan addresses, to the extent not addressed elsewhere, the critique of response and follow-up. The employer violated this standard on or about March 23, 2005 at the facility where the emergency response plan failed to address critiques of responses and follow-ups. To abate this violation, the employer must ensure that the emergency response plan address critiques of each response and each follow-up.

Date By Which Violation Must be Abated: 09/29/2005
Proposed Penalty: \$ 7000.00

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

29 CFR 1910.120(q)(3)(iv): The employer does not ensure that employees wear positive-pressure self-contained breathing apparatuses when engaged in emergency response activities and exposed to hazardous substances presenting an inhalation hazard or potential inhalation hazard, until such time that the individual in charge of the ICS determined through the use of air monitoring that a decreased level of respiratory protection would not result in hazardous exposures to employees. The employer violated this standard on or about March 23, 2005 at the facility where each emergency response team member did not don self-contained breathing apparatuses during an emergency event when engaged in emergency response activities. To abate this violation, the employer must ensure that each emergency response team member wear a positive pressure self-contained breathing apparatus when engaged in emergency response activities and exposed to hazardous substances presenting an inhalation hazard or potential inhalation hazard.

Date By Which Violation Must be Abated: 09/25/2005
Proposed Penalty: \$ 7000.00

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



Citation and Notification of Penalty

Company Name: BP Products North America, Inc
Inspection Site: 2401 5th Ave S, Texas City, TX 77592

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

29 CFR 1910.120(q)(6)(v): The employer does not ensure that employees who participate, or were expected to participate, as an on-site incident commander receives 24 hours of training equal to the first responder operations level and/or in addition has competency in those areas and/or has been certified as having such training. The employer violated this standard on or about March 23, 2005 at the facility for the fire and explosion incident where the on-site incident commander had received hazardous waste operations and emergency response (HazWoper) awareness level training. To abate this violation, the employer must provide appropriate training to each member of the incident management team (IMT).

Date By Which Violation Must be Abated: 09/29/2005
Proposed Penalty: \$ 7000.00

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

29 CFR 1910.1001(d)(5): Notwithstanding the provisions of 29 CFR 1910.1001(d)(2)(ii) and 29 CFR 1910.1001(d)(4), the employer does not ensure and institute the exposure monitoring required whenever there is a change in production, process, control equipment, personnel or work practices that may result in new or additional exposures above the action level and/or excursion limits or when the employer had reason to suspect that a change could result in new or additional exposures above the action level and/or excursion limits throughout the facility. The employer violated this standard on or about March 23, 2005 at the facility where the employer failed to conduct asbestos personal asbestos monitoring when evidenced by the explosion, there was a change that may potentially exposures above the PEL and/or excursion limit. To abate this violation, the employer must complete exposure monitoring whenever there is a change in production, process, control, equipment, personnel or work practices.

Date By Which Violation Must be Abated: 10/24/2005
Proposed Penalty: \$ 7000.00

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



Citation and Notification of Penalty

Company Name: BP Products North America, Inc
Inspection Site: 2401 5th Ave S, Texas City, TX 77592

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

29 CFR 1910.1001(j)(2)(ii): Building and facility owners did not maintain records concerning the presence, location and quantity of ACM and PACM in the building/facility at the facility. The employer violated this standard on or about March 23, 2005 at the facility when the employer failed to maintain records of asbestos removals conducted throughout the facility. To abate this violation, the employer must maintain records concerning the presence, location and quantity of ACM and PACM throughout the facility.

Date By Which Violation Must be Abated: 10/24/2005
Proposed Penalty: \$ 7000.00

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

29 CFR 1910.1020(d)(1)(ii): The employer does not ensure the preservation and maintenance of each employee exposure record for at least thirty years at the facility. The employer violated this standard on or about March 23, 2005 at the facility where the employer failed to maintain bulk asbestos sampling data generated as a result of the asbestos identification process for removal activities. To abate this violation, the employer must ensure that each employees exposure record is preserved and maintained for at least thirty years at the facility.

Date By Which Violation Must be Abated: 09/25/2005
Proposed Penalty: \$ 7000.00

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



Citation and Notification of Penalty

Company Name: BP Products North America, Inc
Inspection Site: 2401 5th Ave S, Texas City, TX 77592

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

29 CFR 1910.1028(e)(1)(ii): The employer does not ensure that determinations of employee exposure is made from breathing zone air samples that are representative of such employee's average exposure to airborne benzene. Representative 8-hour TWA employee exposures shall be determined on the basis of one sample or samples representing the full shift exposure for each job classification at the facility. The employer violated this standard on or about March 23, 2005 at the facility where the employer failed to conduct full shift benzene sampling for each job classification. To abate this violation, the employer must determine the employees full shift exposure from breathing zone air samples for each job classification that is representative of each employee's average exposure to airborne benzene.

Date By Which Violation Must be Abated: 10/24/2005
Proposed Penalty: \$ 7000.00

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

29 CFR 1910.1028(e)(1)(iii): The employer does not ensure that determinations of compliance with the STEL shall be made from 15-minute employee breathing zone samples measured at operations where there is reason to believe exposures are high such as during unit turnaround events. The employer violated this standard on or about March 23, 2005 when it was discovered that benzene STEL monitoring is not being conducted at the facility during each turnaround event. To abate this violation, the employer must ensure that STEL monitoring is conducted from 15-minute employee breathing zone samples measured at operations where there is reason to believe exposures are high such as each unit turnaround event.

Date By Which Violation Must be Abated: 10/24/2005
Proposed Penalty: \$ 7000.00

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



Citation and Notification of Penalty

Company Name: BP Products North America, Inc
Inspection Site: 2401 5th Ave S, Texas City, TX 77592

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

29 CFR 1910.1028(e)(7)(i): The employer does not ensure that each employee, within 15 working days receive the results of any monitoring performed under this standard, notify each employee of these results in writing either individually or by posting the results in an appropriate location accessible to affected employees. The employer violated this standard on March 23, 2005 at the facility where the employer failed to notify each employee of their monitoring results. To abate this violation, the employer must ensure that each employee receive their monitoring results performed under this standard within 15 working days after the receipt of the monitoring results.

Date By Which Violation Must be Abated:	10/24/2005
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: BP Products North America, Inc
Inspection Site: 2401 5th Ave S, Texas City, TX 77592

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

29 CFR 1910.120(q)(3)(iii): The employer does not ensure that based on the hazardous substances and/or conditions present, the individual in charge of the ICS implements appropriate emergency operations and assure that the personal protective equipment worn was appropriate for the hazards to be encountered during the initial response. The employer violated this standard on or about March 23, 2005 at the facility due to the on-scene commander does not ensure that a site characterization and/or hazard analysis is completed. Therefore, the emergency responders did not wear respiratory protection for the initial response. To abate this violation, the employer must ensure that based on the hazardous substances present, the individual in charge of the ICS implement appropriate emergency operations and assure that the personal protective equipment is worn for hazards to be encountered during the initial response.

Date By Which Violation Must be Abated: 09/25/2005
Proposed Penalty: \$ 70000.00

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

29 CFR 1910.165(b)(1): The employee alarm system does not provide warning for necessary emergency action as called for in the emergency action plan, or for reaction time for safe escape of employees from the workplace or the immediate work area, or both at the isomerization unit/raffinate splitter. The employer violated this standard on or about March 23, 2005 due to lack of procedures for recognition of when an emergency situation has developed up to when to activate the unit emergency warbler alarm not being developed or implemented. This unit does not have an engineering control installed rather it relies on an administrative control system of procedures and training. To abate this violation, the employer must ensure that procedures are developed and employees are trained to recognize an emergency situation and when to activate the unit emergency warber alarm.

Date By Which Violation Must be Abated: 09/29/2005
Proposed Penalty: \$ 70000.00

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



Citation and Notification of Penalty

Company Name: BP Products North America, Inc
Inspection Site: 2401 5th Ave S, Texas City, TX 77592

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

Citation 3 Item 1a Type of Violation: **Other**

1904.7(b)(3): The employer does not ensure that when an injury or illness involves one or more days away from work, that the injury or illness is recorded on the OSHA 300 Log with a check mark in the space for cases involving days away and an entry of the number of the calendar days away from work in the number of days column. The employer violated this standard on or about March 23 through August 4, 2005, at the facility, where a case of carpal tunnel syndrome resulting in lost work time was not recorded on the OSHA 300 Log for 2004, and on or about March 23 through August 4, 2005, at the facility, where a case of recurring carpal tunnel syndrome resulting in lost work time was not recorded on the OSHA 300 Log for 2004. To abate this violation, the employer must ensure that when an injury or illness involves one or more days away from work, that the employer records the injury or illness on the OSHA 300 Log.

Date By Which Violation Must be Abated: 10/01/2005
Proposed Penalty: \$ 1000.00

Citation 3 Item 1b Type of Violation: **Other**

1904.10(a): The employer does not ensure that when an employee's hearing test (audiogram) reveals that a Standard Threshold Shift (STS) has occurred, the case is recorded on the OSHA 300 Log by checking the "hearing loss" column. The employer violated this standard on or about March 23 through August 4, 2005, at the facility, where a Standard Threshold Shift, detected in 2004, had not been recorded on the OSHA 300 Log for 2004. To abate this violation, the employer must ensure that if an employee's hearing test (audiogram) reveals a Standard Threshold Shift, that it is recorded on the OSHA 300 Log by checking the "hearing loss" column.

Date By Which Violation Must be Abated: 10/01/2005

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



Citation and Notification of Penalty

Company Name: BP Products North America, Inc
Inspection Site: 2401 5th Ave S, Texas City, TX 77592

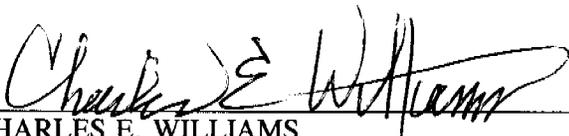
Citation 3 Item 2 Type of Violation: **Other**

29 CFR 1904.29(b)(3): The employer does not ensure that each recordable injury or illness is entered on the OSHA 300 Log and/or an incident report (OSHA Form 301 or equivalent) within seven calendar days of receiving information that a recordable injury or illness has occurred. The employer violated this standard in the following instances:

- (a) On or about March 23 through August 4, 2005, at the facility, where an incident report (OSHA Form 301 or equivalent) was not completed for a case of carpal tunnel syndrome resulting in lost work time in 2004.
- (b) On or about March 23 through August 4, 2005, at the facility, where an incident report (OSHA Form 301 or equivalent) was not completed for a case of carpal tunnel syndrome resulting in lost work time in 2004.
- (c) On or about March 23 through August 4, 2005, at the facility, where an incident report (OSHA Form 301 or equivalent) was not completed for an occurrence of a Standard Threshold Shift detected in 2004.

To abate this violation, the employer must ensure that each recordable injury entered on the OSHA 300 Log and/or incident report be entered within seven calendar days of receiving the information.

Date By Which Violation Must be Abated: 10/01/2005
Proposed Penalty: \$ 1000.00



CHARLES E. WILLIAMS
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
Houston South Area Office
17625 El Camino Real, Suite 400
Houston, TX 77058
Phone: (281)286-0583 FAX: (281)286-6352



INVOICE/ DEBT COLLECTION NOTICE

Company Name: BP Products North America, Inc
Inspection Site: 2401 5th Ave S, Texas City, TX 77592
Issuance Date: 09/21/2005

Summary of Penalties for Inspection Number 308314988

Citation 1, Serious	= \$	63000.00
Citation 2, Willful	= \$	140000.00
Citation 3, Other	= \$	2000.00
TOTAL PROPOSED PENALTIES	= \$	205000.00

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.

OSHA does not agree to any restrictions or conditions 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 3%. 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.



CHARLES E. WILLIAMS
Area Director

9/21/05
Date