

U.S. Department of Labor
Occupational Safety and Health Administration
201 Varick Street
Room 908
New York, NY 10014
Phone: 212-620-3200 Fax: 212-620-4121



Citation and Notification of Penalty

To:
ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
and its successors
363 Bloomfield Ave.
Montclair, NJ 07042

Inspection Number: 961035
Inspection Date(s): 03/04/2014 - 08/28/2014
Issuance Date: 09/02/2014

Inspection Site:
335 Moffat St.
Brooklyn, NY 11237

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 either call to schedule an informal conference (see paragraph below) or** 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 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. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions 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, training records, 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. 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 09/02/2014. The conference will be held by telephone or at the OSHA office located at 201 Varick Street, Room 908, New York, NY 10014 on _____ at

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 961035

Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237
Issuance Date: 09/02/2014

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, 201 Varick Street, Room 908, New York, NY 10014**

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

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

Inspection Number: 961035
Inspection Date(s): 03/04/2014 - 08/28/2014
Issuance Date: 09/02/2014



Citation and Notification of Penalty

Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

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

29 CFR 1910.36(b)(1): At least two exit routes were not available in a workplace to permit prompt evacuation of employees and other building occupants during an emergency, except as allowed in paragraph (b)(3) of this section.

a) The facility:

Two exits were not available in the workplace to permit prompt evacuation of employees and other building occupants during an emergency. On or about 03/04/14.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT CERTIFICATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/12/2014
\$5500.00

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

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

Inspection Number: 961035
Inspection Date(s): 03/04/2014 - 08/28/2014
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Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

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

29 CFR 1910.36(d)(1): Employees were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge.

a) Exit route door to the north of the workshop and into the office area:

Employees were not able to open an exit route door from inside at all times without keys, tools, or special knowledge. The exit route door was locked which requires a key to open. On or about 03/04/14.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT CERTIFICATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

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\$5500.00

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Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

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

29 CFR 1910.37(b)(5): Each doorway or passage along an exit access that could be mistaken for an exit was not marked "Not an Exit" or similar designation, or be identified by a sign indicating its actual use (e.g., closet).

a) 2nd floor, door to the roof:

The doorway to the roof along an exit access that could be mistaken for an exit was not marked "Not an Exit" or similar designation. There was no sign to identify and indicate the doors actual use. On or about 03/04/14.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT CERTIFICATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/12/2014
\$5500.00

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Citation and Notification of Penalty

Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

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

29 CFR 1910.119(c)(2): Employers did not consult with employees and their representatives on the conduct and development of process hazards analyses and on the development of the other elements of process safety management in this standard.

At the facility:

- a) The employer did not consult with the plant manager and employees on the conduct and development of process hazards analyses and on the development of the other elements of process safety management in this standard. Employees are affected by emergency evacuation procedures, but were not involved in emergency planning and response. On or about 03/04/14
- b) The plant manager oversees the anhydrous ammonia refrigeration systems when the plant engineer is not on site during off season and when the systems are not running, but he was not involved in process hazard analyses and other elements of process safety management. On or about 03/04/14.

NOTE: IN ADDITION TO CERTIFICATION OF ABATEMENT, THE EMPLOYER IS REQUIRED TO SUBMIT DOCUMENTATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/19/2014
Proposed Penalty:	\$5500.00

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: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

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

29 CFR 1910.119(d)(2)(i)(E): Information concerning the technology of the process did not include: An evaluation of the consequences of deviations, including those affecting the safety and health of employees.

a) The facility:

The employer did not do an evaluation of the consequences of deviations from using process safety information concerning the construction, operation, maintenance, and replacement of equipment such as but not limited to the reciprocating compressors, of the ammonia refrigeration systems. For example: the employer did not evaluate the consequences of deviation if safe upper and lower limits of process equipment were exceeded. On or about 03/04/14.

NOTE: IN ADDITION TO CERTIFICATION OF ABATEMENT, THE EMPLOYER IS REQUIRED TO SUBMIT DOCUMENTATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/19/2014
Proposed Penalty:	\$7000.00

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Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

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

29 CFR 1910.119(d)(3)(i)(D): Information pertaining to the equipment in the process did not include: Relief system design and design basis.

a) The facility:

The employer provided data and specifications for the safety relief system in the process, but did not explain the design basis for the relief system in their process safety information. On or about 03/04/14.

NOTE: IN ADDITION TO CERTIFICATION OF ABATEMENT, THE EMPLOYER IS REQUIRED TO SUBMIT DOCUMENTATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/19/2014
Proposed Penalty:	\$5500.00

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

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Citation and Notification of Penalty

Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

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

29 CFR 1910.119(g)(3): The employer did not ascertain that each employee involved in operating a process has received and understood the training required by this paragraph. The employer did not prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

a) The facility:

Frantz Saieh, who is the plant engineer that inspects, maintains, and operates the ammonia refrigeration systems, received refrigeration engineer training from FDNY. FDNY certificate did not contain information on the means used to verify that the employee understood the training on site specific ammonia refrigeration systems in the plant. On or about 03/04/14.

NOTE: IN ADDITION TO CERTIFICATION OF ABATEMENT, THE EMPLOYER IS REQUIRED TO SUBMIT DOCUMENTATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/19/2014
Proposed Penalty:	\$5500.00

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

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

Inspection Number: 961035
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Issuance Date: 09/02/2014



Citation and Notification of Penalty

Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

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

29 CFR 1910.120(q)(6): Employees who participate, or are expected to participate, in emergency response, were not given training before they take part in actual emergency operations on an incident.

a) The facility:

The employer expects the plant engineer to participate in emergency response operations by entering the engine room to investigate and control a release of anhydrous ammonia. The plant engineer was not given training. On or about 03/04/14.

NOTE: IN ADDITION TO CERTIFICATION OF ABATEMENT, THE EMPLOYER IS REQUIRED TO SUBMIT DOCUMENTATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/19/2014
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: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding were not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are-barrier guards, two-hand tripping devices, electronic safety devices, etc.

a) 1st floor, ice bin #2:

An employee who was working with ice bin #2 was exposed to the rotating auger inside the ice bin. The guard that protects employees from falling into the ice bin and the auger was broken. On or about 03/14/14.

b) 1st floor, packaging lines 1 - 4:

Employees were using packaging machines to package ice cubes in plastic bags. The packaging machines have exposed moving parts, which employees are exposed to while working. On or about 03/14/14.

NOTE: IN ADDITION TO CERTIFICATION OF ABATEMENT, THE EMPLOYER IS REQUIRED TO SUBMIT DOCUMENTATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/10/2014
Proposed Penalty:	\$5500.00

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

Inspection Number: 961035
Inspection Date(s): 03/04/2014 - 08/28/2014
Issuance Date: 09/02/2014



Citation and Notification of Penalty

Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.212(b): Machines designed for a fixed location were not securely anchored to prevent walking or moving.

a) 1st floor, workshop:

An employee used a drill press to drill flat metal sheets. The drill press was designed for a fixed location and was not securely anchored to prevent it from moving. On or about 03/04/14.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT CERTIFICATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/12/2014
\$4400.00

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: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

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

Citation 1 Item 11 a Type of Violation: **Serious**

29 CFR 1910.253(b)(2)(iv): Valve protection caps, where cylinder is designed to accept a cap, were not in place, hand-tight, except when cylinders are in use or connected for use.

a) 1st floor, Well Room:

Valve protection caps were not in place on oxygen and acetylene cylinders which were designed to accept caps and were in storage. On or about 03/04/14.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT CERTIFICATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/19/2014
\$4400.00



Citation and Notification of Penalty

Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

Citation 1 Item 11 b Type of Violation: **Serious**

29 CFR 1910.253(b)(4)(iii): Oxygen cylinders in storage were not separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least 5 feet (1.5 m) high having a fire-resistance rating of at least one-half hour.

a) 1st floor, Well Room:

Oxygen cylinders in storage were not separated from acetylene gas cylinders. Oxygen and acetylene cylinders were stored adjacent to each other. On or about 03/04/14.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT CERTIFICATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:

09/19/2014



Citation and Notification of Penalty

Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.305(e)(2): Switches, circuit breakers, and switchboards installed in wet locations were not enclosed in weatherproof enclosures.

a) 1st floor, South of packaging lines 1 - 4:

The main electrical switches for packaging machines were installed in a wet location where ice cubes and melted ice water dripped from the ice feed for packaging machines to the top of the switches. Electrical switches were not enclosed in weatherproof enclosures and corroded severely in a wet environment. On or about 03/14/14.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT CERTIFICATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/12/2014
\$5500.00

U.S. Department of Labor
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Citation and Notification of Penalty

Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(B): Flexible cords and cables were used: Where run through holes in walls, ceilings, or floors.

a) 1st floor, workshop entrance:

Power cord of a UV light, which was installed in the stairway outside the workshop, ran through holes in walls and was routed to an electrical outlet inside the workshop. On or about 03/04/14.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT CERTIFICATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/19/2014
\$4400.00

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: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

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

29 CFR 1910.119(c)(3): Employers did not provide to employees and their representatives access to process hazard analyses and to all other information required to be developed under this standard.

a) The facility:

The plant manager oversees the anhydrous ammonia refrigeration systems when the plant engineer is not on site during off season and when the systems are not running, but he does not have access to process hazard analyses and process and instrument diagrams when the plant engineer is not on site. On or about 03/04/14.

1st REPEAT

Arctic Glacier Inc. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.119(c)(3), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 623559, CITATION NUMBER 1, ITEM NUMBER 7a, ISSUED ON 02/19/2013, AND WAS AFFIRMED AS A FINAL ORDER ON 10/29/2013, WITH RESPECT TO A WORKPLACE LOCATED AT 500 Fenimore Street, Mamaroneck, NY 10543.

NOTE: IN ADDITION TO CERTIFICATION OF ABATEMENT, THE EMPLOYER IS REQUIRED TO SUBMIT DOCUMENTATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/19/2014
Proposed Penalty:	\$27500.00

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: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

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

29 CFR 1910.119(d)(3)(ii): The employer did not document that equipment complies with recognized and generally accepted good engineering practices.

a) Engine Room:

The employer did not document that the engine room, where the ammonia refrigeration systems are located, complied with recognized and generally accepted good engineering practices, such as but not limited to: 2009 International Mechanical Codes, System Application Requirements (Section 1104.2), which required that "all components containing the refrigerant shall be located either outdoors or in a machinery room where the quantity of refrigerant in an independent circuit of system exceeds the amounts shown in Table 1103.1", which is 0.022 lbs/1000 cubic feet for ammonia. On or about 03/04/14.

b) Engine Room:

The employer did not document that the physical barriers used to protect the ammonia refrigeration systems complied with recognized and generally accepted good engineering practices, such as but not limited to: 2009 International Mechanical Codes, General Protection (Section 1101.3), which required that "Any portion of a refrigeration system that is subject to physical damage shall be protected in an approved manner." On or about 03/04/14.

c) Rooftop of Building:

The employer did not document that the pressure relief vent line, which extended approximately 8.5 feet above the roof, complied with recognized and generally accepted good engineering practices, such as but not limited to: 2009 International Mechanical Codes, Termination of Relief Devices (Section 1105.7), which required that "Pressure relief devices, fusible plugs and purge systems located within the machinery room shall terminate outside of the structure at a location not less than 15 feet (4572 mm) above the adjoining grade level and not less than 20 feet (6096 mm) from any window, ventilation opening or exit." On or about 03/04/14.

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Inspection Site: 335 Moffat St., Brooklyn, NY 11237

1st REPEAT

Arctic Glacier Inc. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.119(d)(3)(ii), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 623559, CITATION NUMBER 1, ITEM NUMBER 8b, ISSUED ON 02/19/2013, AND WAS AFFIRMED AS A FINAL ORDER ON 10/29/2013, WITH RESPECT TO A WORKPLACE LOCATED AT 500 Fenimore Street, Mamaroneck, NY 10543.

NOTE: IN ADDITION TO CERTIFICATION OF ABATEMENT, THE EMPLOYER IS REQUIRED TO SUBMIT DOCUMENTATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/19/2014
Proposed Penalty:	\$38500.00

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: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

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

29 CFR 1910.119(f)(1)(ii)(B): Operating procedures did not include steps required to correct or avoid deviation:

a) Ammonia Reciprocating Compressors:

Operating procedures for all ammonia reciprocating compressors on site did not include steps required to correct or avoid deviation from operating limits. On or about 03/04/14.

b) Ammonia Evaporative Condensers:

Operating procedures for all ammonia evaporative condensers on site did not include steps required to correct or avoid deviation from operating limits. On or about 03/04/14.

c) Ammonia Suction Accumulators:

Operating procedures for all ammonia suction accumulators on site did not include steps required to correct or avoid deviation from operating limits. On or about 03/04/14.

d) High Pressure Receivers:

Operating procedures for all high pressure receivers on site did not include steps required to correct or avoid deviation from operating limits. On or about 03/04/14.

e) Ice Makers:

Operating procedures for all ice makers on site did not include steps required to correct or avoid deviation from operating limits. On or about 03/04/14.

1st REPEAT



Citation and Notification of Penalty

Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

Arctic Glacier Inc. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.119(f)(1)(ii)(B), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 623559, CITATION NUMBER 1, ITEM NUMBER 10f, ISSUED ON 02/19/2013, AND WAS AFFIRMED AS A FINAL ORDER ON 10/29/2013, WITH RESPECT TO A WORKPLACE LOCATED AT 500 Fenimore Street, Mamaroneck, NY 10543.

NOTE: IN ADDITION TO CERTIFICATION OF ABATEMENT, THE EMPLOYER IS REQUIRED TO SUBMIT DOCUMENTATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/19/2014
Proposed Penalty:	\$27500.00

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: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

Citation 2 Item 4 Type of Violation: **Repeat**

29 CFR 1910.119(f)(1)(iii)(B): The employer did not develop and implement written operating procedures that provided clear instructions for the precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment:

a) Ammonia Reciprocating Compressors:

Operating procedures for evacuation of ammonia vapor from the equipment and re-introduction of ammonia vapor to the equipment were unclear, in that they failed to specify what personal protective equipment is required to be worn to perform these operations, and the availability of the required personal protective equipment. On or about 03/04/14.

b) Ammonia Evaporative Condensers:

Operating procedures for evacuation of ammonia vapor from the equipment and re-introduction of ammonia vapor to the equipment were unclear, in that they failed to specify what personal protective equipment is required to be worn to perform these operations, and the availability of the required personal protective equipment. On or about 03/04/14.

c) Ammonia Suction Accumulators:

Operating procedures for evacuation of ammonia vapor from the equipment and re-introduction of ammonia vapor to the equipment were unclear, in that they failed to specify what personal protective equipment is required to be worn to perform these operations, and the availability of the required personal protective equipment. On or about 03/04/14.

d) High Pressure Receivers:

Operating procedures for evacuation of ammonia vapor from the equipment and re-introduction of ammonia vapor to the equipment were unclear, in that they failed to specify what personal protective equipment is required to be worn to perform these operations, and the availability of the required personal protective equipment. On or about 03/04/14.

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: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

e) Ice Makers:

Operating procedures for evacuation of ammonia vapor from the equipment and re-introduction of ammonia vapor to the equipment were unclear, in that they failed to specify what personal protective equipment is required to be worn to perform these operations, and the availability of the required personal protective equipment. On or about 03/04/14.

f) The facility:

The employer did not develop and implement written emergency operating procedures that provided clear instructions to plant engineer, who is required to respond and handle ammonia releases, about precautions necessary to prevent exposure while responding to ammonia releases, including engineering controls, administrative controls, and personal protective equipment. On or about 03/04/14.

1st REPEAT

Arctic Glacier Inc. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.119(f)(1)(iii)(B), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 623559, CITATION NUMBER 1, ITEM NUMBER 10g, ISSUED ON 02/19/2013, AND WAS AFFIRMED AS A FINAL ORDER ON 10/29/2013, WITH RESPECT TO A WORKPLACE LOCATED AT 500 Fenimore Street, Mamaroneck, NY 10543.

NOTE: IN ADDITION TO CERTIFICATION OF ABATEMENT, THE EMPLOYER IS REQUIRED TO SUBMIT DOCUMENTATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/19/2014
Proposed Penalty:	\$27500.00

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: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

Citation 2 Item 5 Type of Violation: **Repeat**

29 CFR 1910.119(j)(4)(iv): The documentation for each inspection and test did not identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test.

a) The facility:

For each inspection and test performed on process equipment, the employer did not document on the "Ammonia Refrigeration Mechanical Integrity Checklist" the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test. On or about 03/04/14.

2nd REPEAT

Arctic Glacier Inc. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.119(j)(4)(iv), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 314235276, CITATION NUMBER 1, ITEM NUMBER 4b, ISSUED ON 11/25/2011, AND WAS AFFIRMED AS A FINAL ORDER ON 01/07/2012, WITH RESPECT TO A WORKPLACE LOCATED AT 410 Bethel Avenue, Aston, PA 19014;

AND IN OSHA INSPECTION NUMBER 623559, CITATION NUMBER 2, ITEM NUMBER 1c, ISSUED ON 02/19/2013, AND WAS AFFIRMED AS A FINAL ORDER ON 10/29/2013, WITH RESPECT TO A WORKPLACE LOCATED AT 500 Fenimore Street, Mamaroneck, NY 10543.

NOTE: IN ADDITION TO CERTIFICATION OF ABATEMENT, THE EMPLOYER IS REQUIRED TO SUBMIT DOCUMENTATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

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

Inspection Number: 961035
Inspection Date(s): 03/04/2014 - 08/28/2014
Issuance Date: 09/02/2014



Citation and Notification of Penalty

Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

Date By Which Violation Must be Abated: 09/12/2014
Proposed Penalty: \$55000.00

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: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237

Citation 2 Item 6 Type of Violation: **Repeat**

29 CFR 1910.303(g)(1)(ii): Working space required by this standard was used for storage.

a) 1st floor, Well Room:

The required working space for operating electric equipment rated 600 volts, nominal, or less to ground, was used for storage. Oxygen cylinders, Acetylene cylinders, Freon tanks, and other items were stored in the working space for electric cabinet and control boxes. On or about 03/04/14.

1st REPEAT

Arctic Glacier Inc. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.303(g)(1), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 623559, CITATION NUMBER 1, ITEM NUMBER 15a, ISSUED ON 02/19/2013, AND WAS AFFIRMED AS A FINAL ORDER ON 10/29/2013, WITH RESPECT TO A WORKPLACE LOCATED AT 500 Fenimore Street, Mamaroneck, NY 10543.

NOTE: IN ADDITION TO CERTIFICATION OF ABATEMENT, THE EMPLOYER IS REQUIRED TO SUBMIT DOCUMENTATION OF ABATEMENT FOR THIS ITEM. FAILURE TO COMPLY MAY RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/12/2014
\$27500.00



Kay Gee
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
201 Varick Street
Room 908
New York, NY 10014
Phone: 212-620-3200 Fax: 212-620-4121



INVOICE / DEBT COLLECTION NOTICE

Company Name: ARCTIC GLACIER U.S.A., INC., dba Arctic Glacier
Inspection Site: 335 Moffat St., Brooklyn, NY 11237
Issuance Date: 09/02/2014

Summary of Penalties for Inspection Number	961035
Citation 1, Serious	\$71200.00
Citation 2, Repeat	\$203500.00
TOTAL PROPOSED PENALTIES	\$274700.00

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. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment 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.

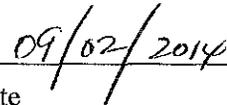
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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



Kay Gee

Area Director



Date