

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
200 N. High Street  
Room 620  
Columbus, OH 43215  
Phone: 614-469-5582 Fax: 614-469-6791



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## Citation and Notification of Penalty

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**To:**  
Austin Powder Company  
and its successors  
P.O. Box 317  
Mc Arthur, OH 45651

**Inspection Number:** 783282  
**Inspection Date(s):** 12/12/2012 - 04/11/2013  
**Issuance Date:** 06/06/2013

**Inspection Site:**  
430 Powder Plant Road  
Mc Arthur, OH 45651  
  
7012 2210 001 2128 4153

*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.*

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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.

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, 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](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 06/06/2013. The conference will be held by telephone or at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on \_\_\_\_\_ at \_\_\_\_\_.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 783282

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651
Issuance Date: 06/06/2013

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, 200 N. High Street, Room 620, Columbus, OH 43215

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:** Austin Powder Company  
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**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1910.119(d)(2)(i)(C): Information concerning the technology of the process shall include at least the following: Maximum intended inventory:

- a. The employer's process safety information (PSI) did not include the maximum intended inventory for the Cast Booster Manufacturing process/unit.
- b. The employer's PSI did not include the maximum intended inventory for the Detonating Cord Manufacturing process/unit.
- c. The employer's PSI did not include the maximum intended inventory for the Emulsion Manufacturing process/unit.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/11/2013
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:** Austin Powder Company  
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#### Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.119(d)(3)(i)(B): Information pertaining to the equipment in the process shall include: Piping and instrument diagrams (P&ID's):

- a. The P&ID (Drawing #00070PID) Red Diamond Emulsion Process Flow Oil Based Products, dated on or about March 8, 2001, did not include a P&ID legend and was not accurate in that it identified the wax module/operation which was removed from the process on or about the end of 2011 and/or beginning of 2012.
- b. The P&ID (Drawing #00070PID) Red Diamond Emulsion Process Flow Oil Based Products, dated on or about March 8, 2001, was not accurate in that it identified the gassing process/operation which was removed from the process around 2004 or after.
- c. The P&ID (Drawing #00070PID) Red Diamond Emulsion Process Flow Oil Based Products, dated on or about March 8, 2001, was not accurate in that the product recycle tank T-OIL05, valve at the bottom of the recycle tank, Wilden pump P-129 (Model M-8), and piping were not identified.
- d. The P&ID (Drawing #00070PID) Red Diamond Emulsion Process Flow Oil Based Products, dated on or about March 8, 2001, was not accurate in that the premix tank was not identified with its name.
- e. The P&ID (Drawing #EMULSIONPROCESSFLOW) Red Diamond Emulsion Process Flow Diagram, revised on or about January 5, 2005, did not include a P&ID legend and was not accurate in that it identified the wax module/operation which was removed from the process on or about the end of 2011 and/or beginning of 2012.

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Occupational Safety and Health Administration

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f. The P&ID (Drawing #EMULSIONPROCESSFLOW) Red Diamond Emulsion Process Flow Diagram, revised on or about January 5, 2005, was not accurate in that it identified the gassing process/operation which was removed from the process around 2004 or after.

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**Company Name:** Austin Powder Company  
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**Citation 1 Item 3** Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(i): The process hazard analysis shall address: The hazards of the process:

- a. The employer's 2004 PHA-Cast Booster Manufacturing did not include an analysis of utility systems such as electric and its effect on the process.
- b. The employer's 2004 PHA-Cast Booster Manufacturing did not address preventative or corrective measures for a "PETN spill" under #6 of "Balloon Filling" operations.
- c. The employer's 2004 PHA-Detonating Cord Manufacturing did not include an analysis of utility systems such as electric and water and their effects on the process.
- d. The employer's 2004 PHA-Detonating Cord Manufacturing did not address preventative or corrective measures for "Fugitive PETN Impact/Friction Explosion" under #11 of "Extruder Operation" and #6 of "Cord Sizer" operations.
- e. The employer's 2004 PHA-Detonating Cord Manufacturing inaccurately identified various operations as "PETN Dryer Operation" on pages 8 through 49.

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**Company Name:** Austin Powder Company  
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**Citation 1 Item 4** Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(ii): The process hazard analysis shall address: The identification of any previous incident which had a likely potential for catastrophic consequences in the workplace:

a. The employer's 2004 PHA-Detonating Cord Manufacturing did not include the identification of any previous incidents including, but not limited to, the following: an explosion in the overspin operation on or about April 14, 1986, and an explosion in the first spin operation in or about 1977.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(iv): The process hazard analysis shall address: Consequences of failure of engineering and administrative controls:

- a. The employer's 2004 PHA-Cast Booster Manufacturing did not include consequences of failure of engineering and administrative controls including, but not limited to, the following: metal detection system for screening recycled explosive raw materials; safety relief valves for each kettle and the building; pressure reducing valves for each kettle and the building; locking collars on each kettle agitator; sweep arm to kettle clearances; and belt drives on agitators set to slip with agitator jam.
- b. The employer's 2004 PHA-Detonating Cord Manufacturing did not include consequences of failure of engineering and administrative controls including, but not limited to, the following: speed switches and diameter gauging devices on first spin machines to stop the machine in case of a jam; mechanical trip for the measuring machine; speed switches on over spin machines to stop the machine when there was a cord jam; cord cut-off devices to prevent spool detonations in the sizing operation; regulated steam pressure for the PETN dryer; and high temperature safety shutoff switches on the PETN dryer.
- c. The employer's 2004 PHA-Emulsion Manufacturing did not include consequences of failure of engineering and administrative controls including, but not limited to, the following: high pressure and low pressure sensor, alarm, and shutdown for emulsion pumps; no flow sensor, alarm, and shutdown for emulsion pumps; 200 psi rupture disk for emulsion pumps; programmable logic controller (PLC) to detect and resolve problems during emulsion pumping process; high level alarms for blender and oxidizer bin 2; and hydraulic pressure switch.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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Proposed Penalty: \$5500.00

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**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
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**Citation 1 Item 6** Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(v): The process hazard analysis shall address: Facility siting:

- a. The employer's 2004 PHA-Cast Booster Manufacturing did not adequately address facility siting including, but not limited to, the following: perimeter fencing and gates as related to facility security, willful sabotage, location of magazines in relation to the process, impact from an accident involving the vehicle transportation of explosives, tornados and high winds, building occupancy and construction, and hazards posed during egress for emergency escape.
- b. The employer's 2004 PHA-Detonating Cord Manufacturing did not address facility siting including, but not limited to, the following: perimeter fencing and gates as related to facility security, willful sabotage, location of magazines in relation to the process, impact from an accident involving the vehicle transportation of explosives, internal/external fires or explosion, lightning, tornados and high winds, building occupancy and construction, and hazards posed during egress for emergency escape.
- c. The employer's 2004 PHA-Emulsion Manufacturing did not adequately address facility siting including, but not limited to, the following: perimeter fencing and gates as related to facility security, location of magazines in relation to the process, impact from an accident involving the vehicle transportation of explosives, tornados, building occupancy and construction, and hazards posed during egress for emergency escape.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
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**Citation 1 Item 7** Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(vi): The process hazard analysis shall address: Human factors:

- a. The employer's 2004 PHA-Cast Booster Manufacturing did not adequately address human factors including, but not limited to, the following: housekeeping and general work environment, accessibility and availability of controls and equipment, component labeling, feedback and displays, controls, workload and stress factors, procedures, training, and general issues.
- b. The employer's 2004 PHA-Detonating Cord Manufacturing did not address human factors including, but not limited to, the following: housekeeping and general work environment, accessibility and availability of controls and equipment, component labeling, feedback and displays, controls, workload and stress factors, procedures, training, and general issues.
- c. The employer's 2004 PHA-Emulsion Manufacturing did not adequately address human factors including, but not limited to, the following: housekeeping and general work environment, accessibility and availability of controls and equipment, component labeling, feedback and displays, controls, workload and stress factors, procedures, training, and general issues.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/11/2013
Proposed Penalty:	\$5500.00

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**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
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**Citation 1 Item 8** Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(vii): The process hazard analysis shall address: A qualitative evaluation of a range of the possible safety and health effects of failure of controls on employees in the workplace:

- a. On the 2004 PHA-Cast Booster Manufacturing, the employer did not develop and use a risk matrix involving a qualitative evaluation of the consequences, likelihood, and risk of the hazards.
- b. On the 2004 PHA-Detonating Cord Manufacturing, the employer did not develop and use a risk matrix involving a qualitative evaluation of the consequences, likelihood, and risk of the hazards.
- c. On the 2004 PHA-Emulsion Manufacturing, the employer did not develop and use a risk matrix involving a qualitative evaluation of the consequences, likelihood, and risk of the hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/11/2013
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**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
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**Citation 1 Item 9** Type of Violation: **Serious**

29 CFR 1910.119(e)(5): The employer shall establish a system to promptly address the team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions:

- a. On the 2004 PHA-Cast Booster Manufacturing, the employer did not address action reference number 3 on the Hazard Study III Action Review; did not develop a written schedule of when the actions were to be completed; and did not assure that recommendations (actions) were resolved and that the resolutions were documented.
- b. On the 2004 PHA-Detonating Cord Manufacturing, the employer did not develop a written schedule of when the actions were to be completed; and did not assure that recommendations (actions) were resolved and that the resolutions were documented.
- c. On the 2004 PHA-Emulsion Manufacturing, the employer did not address six actions not identified with action reference numbers and action reference numbers 1 and 2 on Hazard Study 2; did not address three actions not identified with action reference numbers on the Hazard Study III Action Review; did not develop a written schedule of when the actions were to be completed; and did not assure that recommendations (actions) were resolved and that the resolutions were documented.

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

**Inspection Number:** 783282  
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**Citation and Notification of Penalty**

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d. On the 2010 PHA-New Cast Booster Manufacturing, the employer did not develop a written schedule of when the actions were to be completed; did not assure that recommendations (actions) were resolved in a timely manner for action reference numbers 7 and 10; and did not assure that the resolutions were documented.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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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:** Austin Powder Company  
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**Citation 1 Item 10 Type of Violation: **Serious****

29 CFR 1910.119(e)(6): At least every five (5) years after the completion of the initial process hazard analysis, the process hazard analysis shall be updated and revalidated by a team meeting the requirements in paragraph (e)(4) of this section, to assure that the process hazard analysis is consistent with the current process:

- a. The employer did not update and revalidate the initial 2004 PHA-Cast Booster Manufacturing, dated on or about September 7 and 8, 2004.
- b. The employer did not update and revalidate the 2004 PHA-Detonating Cord Manufacturing, dated on or about November 16, 17, and 18, 2004.
- c. The employer did not update and revalidate the 2004 PHA-Emulsion Manufacturing, dated on or about July 7 and 8, 2004.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/11/2013
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**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
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**Citation 1 Item 11** Type of Violation: **Serious**

29 CFR 1910.119(e)(7): Employers shall retain process hazards analyses and updates or revalidations for each process covered by this section, as well as the documented resolution of recommendations described in paragraph (e)(5) of this section for the life of the process:

- a. The employer did not retain Hazard Study 1 and 2 for the 2004 PHA-Detonating Cord Manufacturing, dated on or about November 16, 17, and 18, 2004.
- b. The employer did not retain Hazard Study III for the 2010 PHA-New Cast Booster Manufacturing, dated on or about March 17-19, 2010.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/11/2013
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**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
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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 12 a      Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(i)(D): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements. Steps for each operating phase. Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner:

In the Emulsion Manufacturing process/unit, the employer did not implement and identify emergency shutdown conditions, steps required for shutdown, and the responsible qualified operators in the operating procedures.

The following operating procedures associated with PSM were found to be deficient:

- a. LP-EM-007, Large Diameter (oil) Module Operation
- b. LP-EM-012, Emulsion Kartridge Pak Machine
- c. LP-EM-040, KP Pump Operation

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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**Company Name:** Austin Powder Company  
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Citation 1 Item 12 b      Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(i)(G): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements. Steps for each operating phase. Startup following a turnaround, or after an emergency shutdown:

a. In the Emulsion Manufacturing process/unit, the employer did not address start up following a turnaround (including shut down for maintenance, repair, or the replacement of a component or equipment) or after an emergency shutdown in the operating procedures.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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07/11/2013



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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 13 a      Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(ii)(A): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements. Operating Limits. Consequences of deviation:

a. In the Emulsion Manufacturing process/unit, the company did not produce consequences of deviation and incorporate those consequences into the operating procedures.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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Occupational Safety and Health Administration

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

29 CFR 1910.119(f)(1)(ii)(B): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements. Operating Limits. Steps required to correct or avoid deviation:

a. In the Emulsion Manufacturing process/unit, the employer did not identify steps required to correct or avoid deviations and incorporate that material in the written operating procedures.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

07/11/2013

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**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
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**Citation 1 Item 14** Type of Violation: **Serious**

29 CFR 1910.119(f)(3): The operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to facilities. The employer shall certify annually that these operating procedures are current and accurate:

- a. In the Detonating Cord Manufacturing process/unit, the employer did not review the Overspin/Waxer Operation procedure, LP-DC-020 as often as necessary to assure that the operating procedure was updated with the maximum number of spools of yarn that could be changed at one time in the overspin operation to reflect the current operating practice.
  
- b. In the Emulsion Manufacturing process/unit, the employer did not review the Emulsion Kartridge Pak Machine procedure, LP-EM-012 as often as necessary to assure that the operating procedure reflected the current work practices as it pertained to change over prior to running a different product.
  
- c. In the Detonating Cord Manufacturing process/unit, the employer did not review the East Building 2 Inch Extruder Operation procedure, LP-DC-017 as often as necessary to assure that the operating procedure reflected the current operating practice of making adjustments and checks to ensure that the detonating cord was centered in the pass through tube in the extruder operation.

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07/11/2013  
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**Citation 1 Item 15** Type of Violation: **Serious**

29 CFR 1910.119(j)(2): Written procedures. The employer shall establish and implement written procedures to maintain the on-going integrity of process equipment:

- a. The employer did not establish and implement written procedures to maintain the on-going integrity of storage tanks/process tanks such as the premix tank, off-spec premix tank, paddle blender, intermediate product tanks 1/2 and 1A/2A, recycle tank/hopper, and raw material storage tanks in the Packaged Emulsion Production Building #1.
- b. The employer did not establish and implement written procedures to maintain the on-going integrity of piping systems including piping components such as valves in the Packaged Emulsion Production Building #1.
- c. The employer did not establish and implement written procedures to maintain the on-going integrity of piping systems including piping components such as filter baskets in the PETN Dryer Building #1.
- d. The employer did not establish and implement written procedures to maintain the on-going integrity of emergency shutdown systems in the Packaged Emulsion Production Building #1.
- e. The employer did not establish and implement written procedures to maintain the on-going integrity of relief and vent systems and devices such as safety relief valves and pressure reducing valves on the steam piping for the kettles in Booster Pour Buildings #1, 2, and 3.
- f. The employer did not establish and implement written procedures to maintain the on-going integrity of controls such as high pressure sensors, alarms, and shutdown for emulsion pumps; programmable logic controller (PLC) to detect and resolve problems during emulsion pumping process; high level alarms for blender and oxidizer bin 2; and high temperature safety steam valve shut down on fuel tanks in the Emulsion Manufacturing process/unit.

See pages I 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:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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g. The employer did not establish and implement written procedures to maintain the on-going integrity of controls such as speed switches and diameter gauging devices on first spin machines to stop the machine in case of a jam; laser safety sensor detection devices for detecting over and under sized cord and shutting down the measuring, sizer, overspin, and rewind machines; extruder safety sensor detection device with warning light and buzzer; speed switches on over spin machines to stop the machine when there was a cord jam; cord cut-off devices to prevent spool detonations in the sizing operation; regulated steam pressure for the PETN dryer; and high temperature safety shutoff switch on the PETN dryer in the Detonating Cord Manufacturing process/unit.

h. The written procedure LP-ENG-605, Testing Allweiler Stator, and procedure Allweiler Pumps: 3 or 6 - Month Inspection and Maintenance, which addressed testing the Allweiler pump stator monthly and semi-annually, respectively, were not updated to reflect the actual practice of not performing pump stator testing due to the annual Allweiler pump rebuild schedule in the Packaged Emulsion Production Building #1.

i. The employer did not establish and implement written quality assurance procedures to assure that equipment, maintenance materials, and spare parts were suitable for the process application for which they would be used in the following covered processes/units: Cast Booster Manufacturing, Detonating Cord Manufacturing, and Emulsion Manufacturing.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/11/2013
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:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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**Citation 1 Item 16** Type of Violation: **Serious**

29 CFR 1910.119(j)(4)(i): Inspections and tests shall be performed on process equipment:

- a. The employer did not ensure that inspections and tests were being performed on storage tanks/process tanks such as the premix tank, off-spec premix tank, paddle blender, intermediate product tanks 1/2 and 1A/2A, recycle tank/hopper, and raw material storage tanks in the Packaged Emulsion Production Building #1.
- b. The employer did not ensure that inspections and tests were being performed on piping systems including piping components such as valves in the Packaged Emulsion Production Building #1.
- c. The employer did not ensure that inspections and tests were being performed on piping systems including piping components such as filter baskets to verify proper grounding in the PETN Dryer Building #1.
- d. The employer did not ensure that inspections and tests were being performed on emergency shutdown systems in the Packaged Emulsion Production Building #1.
- e. The employer did not ensure that inspections and tests were being performed on relief and vent systems and devices such as all of the safety relief valves and pressure reducing valves on the steam piping for the kettles in Booster Pour Buildings #1, 2, and 3.
- f. The employer did not ensure that inspections and tests were being performed on controls such as high pressure sensors, alarms, and shutdown for emulsion pumps; programmable logic controller (PLC) to detect and resolve problems during emulsion pumping process; high level alarms for blender and oxidizer bin 2; and high temperature safety steam valve shut down on fuel tanks in the Emulsion Manufacturing process/unit.
- g. The employer did not ensure that quarterly internal inspections and maintenance on the Wilden pumps as identified in the Emulsion Pumps and Emulsion Pump Inspection & Maintenance procedures were being performed in the Emulsion Manufacturing process/unit.

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:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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- h. The employer did not ensure that gear box oil and bearing grease were changed every six months on the Waukesha pump as identified in the Waukesha Pump procedure in the Emulsion Manufacturing process/unit.
- i. The employer did not ensure that the monthly mechanical seal gap check and the semi-annual internal inspections and tests of the stator, rotor, suction housing, mechanical seals, ETA flow switch, high pressure switch, and low pressure switch on the Allweiler pumps as identified in the Emulsion Pumps and Emulsion Pump Inspection & Maintenance procedures were being performed in the Emulsion Manufacturing process/unit.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/11/2013
Proposed Penalty:	\$5500.00

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

**Inspection Number:** 783282  
**Inspection Date(s):** 12/12/2012 - 04/11/2013  
**Issuance Date:** 06/06/2013



**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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**Citation 1 Item 17 Type of Violation: **Serious****

29 CFR 1910.119(j)(4)(ii): Inspection and testing procedures shall follow recognized and generally accepted good engineering practices:

a. The employer did not follow recognized and generally accepted good engineering practices (RAGAGEP) when flange bolts were not being torqued to manufacturer's specifications during the installation of rupture disks adjacent to the Allweiler pumps in the Packaged Emulsion Production Building #1.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/11/2013
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:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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**Citation 1 Item 18** Type of Violation: **Serious**

29 CFR 1910.119(l)(1): The employer shall establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process:

- a. A management of change was not implemented and documented for a change involving the removal of the wax module/operation on or about the end of 2011 and/or beginning of 2012 in the Emulsion Manufacturing process/unit.
- b. A management of change was not implemented and documented for a change in the monthly testing of the stators in the Allweiler pumps to the annual removal, rebuild and replacement of the Allweiler pumps in the Emulsion Manufacturing process/unit.
- c. A management of change was not implemented and documented for a change in the maximum number of spools of yarn that could be changed at one time in the overspin operation of the Detonating Cord Manufacturing process/unit.
- d. A management of change was not implemented and documented for a change in removing the safety relief valves at each kettle every six months to removing them as needed in the Cast Booster Manufacturing process/unit.
- e. A management of change was not implemented and documented for a change involving the installation of the gassing process/operation in or about 2003 in the Emulsion Manufacturing process/unit.

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:** 783282  
**Inspection Date(s):** 12/12/2012 - 04/11/2013  
**Issuance Date:** 06/06/2013



**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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f. A management of change was not implemented and documented for a change involving the removal of the gassing process/operation around 2004 or after in the Emulsion Manufacturing process/unit.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/11/2013
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:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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**Citation 1 Item 19** Type of Violation: **Serious**

29 CFR 1910.119(m)(3): An incident investigation team shall be established and consist of at least one person knowledgeable in the process involved, including a contract employee if the incident involved work of the contractor, and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident:

- a. For the incident which occurred in S.P.A. Production Building #1 on or about January 31, 2011, and involved cord breaking at the take-up spool on overspin machine number 23 in the overspin operation, an incident investigation team was not established.
- b. For the incident which occurred in S.P.A. Production Building #1 on or about January 6, 2011, at 1:30 PM, and involved detonating cord being pulled back due to being off center and rubbing the side of the extruder in the extrusion operation, an incident investigation team was not established.
- c. For the incident which occurred in S.P.A. Production Building #1 on or about January 6, 2011, at 9:00 AM, and involved loose yarns/threads on cord to jam on waxer dies causing detonating cord to break in the overspin operation, an incident investigation team was not established.
- d. For the incident which occurred in the FAR Production Building on or about July 28, 2009, and involved the detonation of oversized detonating cord in the sizing operation, the employers incident investigation report did not identify the members of the investigation team.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/11/2013  
\$5500.00



**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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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 20 a      Type of Violation: **Serious**

29 CFR 1910.119(m)(4)(iv): A report shall be prepared at the conclusion of the investigation which includes at a minimum: The factors that contributed to the incident:

- a. The incident investigation report for the incident which occurred in S.P.A. Production Building #1 on or about January 6, 2011, at 9:00 AM, did not include the factors that contributed to the incident such as the lack of training and specific procedures pertaining to the maximum number of spools of yarn that could be changed at one time in the overspin operation.
- b. The incident investigation report for the incident which occurred in S.P.A. Production Building #1 on or about January 6, 2011, at 1:30 PM, did not include the factors that contributed to the incident such as the lack of training and specific procedures pertaining to the centering of the detonating cord in the pass through tube by checking or making the appropriate adjustments in the extruder operation.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/11/2013
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:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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Citation 1 Item 20 b      Type of Violation: **Serious**

29 CFR 1910.119(m)(4)(v): A report shall be prepared at the conclusion of the investigation which includes at a minimum: Any recommendations resulting from the investigation:

a. The incident investigation report for the incident which occurred in S.P.A. Production Building #1 on or about January 6, 2011, at 9:00 AM, did not include the recommendation of updating the written Overspin/Waxer Operation procedure, LP-DC-020 with the maximum number of spools of yarn that could be changed at one time in the overspin operation.

b. The incident investigation report for the incident which occurred in S.P.A. Production Building #1 on or about January 6, 2011, at 1:30 PM, did not include the recommendation of updating the written East Building 2 Inch Extruder Operation procedure, LP-DC-017 with the adjustments and checks to ensure that the detonating cord was centered in the pass through tube in the extruder operation.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

07/11/2013



**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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**Citation 1 Item 21** Type of Violation: **Serious**

29 CFR 1910.119(m)(5): The employer shall establish a system to promptly address and resolve the incident report findings and recommendations. Resolutions and corrective actions shall be documented:

- a. The incident investigation report for the incident which occurred in S.P.A. Production Building #1 on or about January 31, 2011, did not document the resolutions and corrective actions as to when the actions were completed and the date of completion.
- b. The incident investigation report for the incident which occurred in S.P.A. Production Building #1 on or about January 6, 2011, at 1:30 PM, did not document the resolutions and corrective actions as to when the actions were completed and the date of completion.
- c. The incident investigation report for the incident which occurred in S.P.A. Production Building #1 on or about January 6, 2011, at 9:00 AM, did not document the resolutions and corrective actions as to when the actions were completed and the date of completion.
- d. The incident investigation report for the incident which occurred in the FAR Production Building on or about July 28, 2009, did not document the resolutions and corrective actions as to the schedule of when the actions were to be completed, when the actions were completed, and the date of completion.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 07/11/2013  
Proposed Penalty: \$5500.00



### Citation and Notification of Penalty

**Company Name:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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#### Citation 1 Item 22 Type of Violation: **Serious**

29 CFR 1910.119(o)(1): Employers shall certify that they have evaluated compliance with the provisions of this section at least every three years to verify that the procedures and practices developed under the standard are adequate and are being followed:

- a. At the workplace, the employer's 2012 compliance audit dated on or about March 2012 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Employee Participation elements under section 1910.119(c).
- b. At the workplace, the employer's 2012 compliance audit dated on or about March 2012 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Process Safety Information elements under section 1910.119(d).
- c. At the workplace, the employer's 2012 compliance audit dated on or about March 2012 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Process Hazard Analysis elements under section 1910.119(e).
- d. At the workplace, the employer's 2012 compliance audit dated on or about March 2012 for emulsion production, booster manufacturing, and detonating cord, did not include an adequate evaluation of the Operating Procedures elements under section 1910.119(f) which included, but is not limited to, the following: an evaluation of steps for each operating phase, operating limits, safety and health considerations, and safety systems and their functions.
- e. At the workplace, the employer's 2012 compliance audit dated on or about March 2012 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Contractors elements under section 1910.119(h).
- f. At the workplace, the employer's 2012 compliance audit dated on or about March 2012 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Pre-startup Safety Review elements under section 1910.119(i).

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:** Austin Powder Company

**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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- g. At the workplace, the employer's 2012 compliance audit dated on or about March 2012 for emulsion production, booster manufacturing, and detonating cord, did not include an adequate evaluation of the Mechanical Integrity elements under section 1910.119(j) which included, but is not limited to, the following: an evaluation of specific written procedures, inspections and testing, and quality assurance.
- h. At the workplace, the employer's 2012 compliance audit dated on or about March 2012 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Hot Work Permit elements under section 1910.119(k).
- i. At the workplace, the employer's 2012 compliance audit dated on or about March 2012 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Management of Change elements under section 1910.119(l).
- j. At the workplace, the employer's 2012 compliance audit dated on or about March 2012 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Incident Investigation elements under section 1910.119(m).
- k. At the workplace, the employer's 2012 compliance audit dated on or about March 2012 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Emergency Planning and Response elements under section 1910.119(n).
- l. At the workplace, the employer's 2011 compliance audit dated on or about February 2011 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Employee Participation elements under section 1910.119(c).
- m. At the workplace, the employer's 2011 compliance audit dated on or about February 2011 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Process Safety Information elements under section 1910.119(d).
- n. At the workplace, the employer's 2011 compliance audit dated on or about February 2011 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Process Hazard Analysis elements under section 1910.119(e).

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:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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- o. At the workplace, the employer's 2011 compliance audit dated on or about February 2011 for emulsion production, booster manufacturing, and detonating cord, did not include an adequate evaluation of the Operating Procedures elements under section 1910.119(f) which included, but is not limited to, the following: an evaluation of steps for each operating phase, operating limits, safety and health considerations, and safety systems and their functions.
- p. At the workplace, the employer's 2011 compliance audit dated on or about February 2011 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Contractors elements under section 1910.119(h).
- q. At the workplace, the employer's 2011 compliance audit dated on or about February 2011 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Pre-startup Safety Review elements under section 1910.119(i).
- r. At the workplace, the employer's 2011 compliance audit dated on or about February 2011 for emulsion production, booster manufacturing, and detonating cord, did not include an adequate evaluation of the Mechanical Integrity elements under section 1910.119(j) which included, but is not limited to, the following: an evaluation of specific written procedures, inspections and testing, and quality assurance.
- s. At the workplace, the employer's 2011 compliance audit dated on or about February 2011 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Hot Work Permit elements under section 1910.119(k).
- t. At the workplace, the employer's 2011 compliance audit dated on or about February 2011 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Management of Change elements under section 1910.119(l).
- u. At the workplace, the employer's 2011 compliance audit dated on or about February 2011 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Incident Investigation elements under section 1910.119(m).

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:** 783282  
**Inspection Date(s):** 12/12/2012 - 04/11/2013  
**Issuance Date:** 06/06/2013



**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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v. At the workplace, the employer's 2011 compliance audit dated on or about February 2011 for emulsion production, booster manufacturing, and detonating cord, did not include an evaluation of the Emergency Planning and Response elements under section 1910.119(n).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/11/2013
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:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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**Citation 1 Item 23** Type of Violation: **Serious**

29 CFR 1910.119(o)(4): The employer shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected:

- a. On the 2012 compliance audit dated on or about March 2012, the employer did not promptly determine and document an appropriate response for the following open action items: item 1 in packaged emulsion manufacturing and item 6 in the booster manufacturing facility.
- b. On the 2012 compliance audit dated on or about March 2012, the employer did not establish and document that the deficiencies had been corrected for item 1 in the detonating cord production line and items 5 and 7 in the booster manufacturing facility.
- c. On the 2011 compliance audit dated on or about February 2011, the employer did not promptly determine and document an appropriate response for the following open action items: items 3, 6, and 8 in packaged emulsion manufacturing.
- d. On the 2011 compliance audit dated on or about February 2011, the employer did not establish and document that the deficiencies had been corrected for item 10 in packaged emulsion manufacturing and items 2, 5, and 7 in the booster manufacturing facility.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/11/2013
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:** 783282  
**Inspection Date(s):** 12/12/2012 - 04/11/2013  
**Issuance Date:** 06/06/2013



**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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**Citation 1 Item 24** Type of Violation: **Serious**

29 CFR 1910.138(b): Selection. Employers shall base the selection of the appropriate hand protection on an evaluation of the performance characteristics of the hand protection relative to the task(s) to be performed, conditions present, duration of use, and the hazards and potential hazards identified:

a. In the Packaged Emulsion Production Building #1, the employer did not provide the employee with adequate hand protection to prevent exposure to heated chemicals exceeding 200 degrees Fahrenheit.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/11/2013  
\$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:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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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 25 a      Type of Violation: **Serious**

29 CFR 1910.1200(f)(5)(i): Except as provided in paragraphs (f)(6) and (f)(7) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with the following information: Identity of the hazardous chemical(s) contained therein:

- a. In the outside tank farm at the Bulk Emulsion Production Building #2, tank 1 containing liquid ammonium nitrate was not labeled, tagged or marked with the hazardous chemical identity.
- b. In the outside tank farm at the Bulk Emulsion Production Building #2, tank 2 containing liquid ammonium nitrate was not labeled, tagged or marked with the hazardous chemical identity.
- c. In the outside tank farm at the Bulk Emulsion Production Building #2, tank 3 containing RDT 8 fuel with an emulsifier was not labeled, tagged or marked with the hazardous chemical identity.
- d. In the Mix Plant Production building, the emulsion tank containing Hydromite was not labeled, tagged or marked with the hazardous chemical identity.
- e. Outside on the West side of the Garage, two 500 gallon tanks containing propane were not labeled, tagged or marked with the hazardous chemical identity.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/11/2013
Proposed Penalty:	\$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:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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Citation 1 Item 25 b      Type of Violation: **Serious**

29 CFR 1910.1200(f)(5)(ii): Except as provided in paragraphs (f)(6) and (f)(7) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with the following information: Appropriate hazard warnings, or alternatively, words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical:

- a. In the outside tank farm at the Bulk Emulsion Production Building #2, tank 1 containing liquid ammonium nitrate was not labeled, tagged or marked with the hazard warnings.
- b. In the outside tank farm at the Bulk Emulsion Production Building #2, tank 2 containing liquid ammonium nitrate was not labeled, tagged or marked with the hazard warnings.
- c. In the outside tank farm at the Bulk Emulsion Production Building #2, tank 3 containing RDT 8 fuel with an emulsifier was not labeled, tagged or marked with the hazard warnings.
- d. In the Mix Plant Production building, the emulsion tank containing Hydromite was not labeled, tagged or marked with the hazard warnings.
- e. Outside on the West side of the Garage, two 500 gallon tanks containing propane were not labeled, tagged or marked with the hazard warnings.
- f. Outside the Packaged Emulsion Production Building #1, bin 1 containing ammonium nitrate was not labeled, tagged or marked with the hazard warnings.

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:** 783282  
**Inspection Date(s):** 12/12/2012 - 04/11/2013  
**Issuance Date:** 06/06/2013



**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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g. Outside the Mix Plant Production building, the two bins containing ammonium nitrate were not labeled, tagged or marked with the hazard warnings.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

07/11/2013

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:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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**Citation 2 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1910.119(f)(1)(iii)(A): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements. Safety and health considerations: Properties of, and hazards presented by, the chemicals used in the process:

a. In the Emulsion Manufacturing process/unit, the employer did not include the properties and hazards presented by process chemicals and did not identify the location of these elements in the written operating procedures.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/11/2013
Proposed Penalty:	\$0.00



**Citation and Notification of Penalty**

**Company Name:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651

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**Citation 2 Item 2** Type of Violation: **Other-than-Serious**

29 CFR 1910.119(m)(4)(ii): A report shall be prepared at the conclusion of the investigation which includes at a minimum: Date investigation began:

- a. The incident investigation report for the incident which occurred in S.P.A. Production Building #1 on or about January 31, 2011, did not include the date the investigation began.
- b. The incident investigation report for the incident which occurred in S.P.A. Production Building #1 on or about January 6, 2011, at 1:30 PM, did not include the date the investigation began.
- c. The incident investigation report for the incident which occurred in S.P.A. Production Building #1 on or about January 6, 2011, at 9:00 AM, did not include the date the investigation began.
- d. The incident investigation report for the incident which occurred in the FAR Production Building on or about July 28, 2009, did not include the date the investigation began.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 07/11/2013  
Proposed Penalty: \$0.00

A handwritten signature in black ink, appearing to read "D. Zubaty", written over a horizontal line.

**Deborah J. Zubaty**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
200 N. High Street  
Room 620  
Columbus, OH 43215  
Phone: 614-469-5582 Fax: 614-469-6791



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Austin Powder Company  
**Inspection Site:** 430 Powder Plant Road, Mc Arthur, OH 45651  
**Issuance Date:** 06/06/2013

<b>Summary of Penalties for Inspection Number</b>	<b>783282</b>
<b>Citation 1, Serious</b>	<b>\$135300.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$135300.00</b>

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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.



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**Deborah J. Zubaty**  
**Area Director**