

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1033 La Posada  
Suite 375  
Austin, TX 78752  
Phone: 512-374-0271 Fax: 512-374-0086



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## Citation and Notification of Penalty

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**To:**  
BWay Corporation  
and its successors  
1591 Harvey Mitchell Parkway  
Bryan, TX 77803

**Inspection Number:** 1037332  
**Inspection Date(s):** 02/09/2015 - 02/11/2015  
**Issuance Date:** 07/30/2015

**Inspection Site:**  
1591 N. Harvey Mitchell Pkwy  
Bryan, TX 77803

*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. You can also make your payment electronically on [www.pay.gov](http://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 \$25,000 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](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 07/30/2015. The conference will be held by telephone or at the OSHA office located at 1033 La Posada, Suite 375, Austin, TX 78752 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1037332**

Company Name: BWay Corporation  
Inspection Site: 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803  
Issuance Date: 07/30/2015

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, 1033 La Posada, Suite 375, Austin, TX 78752**

Citation Number 1 Item Number 1 was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 2 was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 3a was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 3b was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 4a was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 4b was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 5 was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 6a was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 6b was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 7a was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 7b was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 8 was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 9a was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 9b was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 10a was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 10b was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 11a was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 11b was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 1 Item Number 12 was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 2 Item Number 1a was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number 2 Item Number 1b 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: 1037332  
Inspection Date(s): 02/09/2015 - 02/11/2015  
Issuance Date: 07/30/2015



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
**Inspection Site:** 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803

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

29 CFR 1910.22(a)(2): Floor(s) of workroom(s) were not maintained in a clean and, so far as possible, a dry condition:

On or about February 9, 2015 and in times prior thereto, the drain from an overhead TRANE air conditioning unit was leaking water onto the floor below, exposing employees to the hazards of slips and falls. A 480 volt transformer and 120 volt extension cords were located on the floor below the AC, creating a hazard of electrical shock.

**Abatement Note:**

To reduce this hazard the drain line should extend all the way to drain and not on the floor. In addition a vent and bug trap should be provided where the drain line is attached to the AC unit. Without a vent, water will not flow down the drain line going instead to the lowest point in the AC water pan.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2015
Proposed Penalty:	\$4000.00

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

**Inspection Number:** 1037332  
**Inspection Date(s):** 02/09/2015 - 02/11/2015  
**Issuance Date:** 07/30/2015



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
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**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.106(e)(2)(ii): Flammable liquids were not stored in closed containers.

On or about February 9, 2015 and in times prior thereto, a 55 gallon barrel of alcohol with a hole in it was tipped on its side to prevent it from leaking. The hole in the barrel created a fire hazard located in the outside utility area.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2015
Proposed Penalty:	\$3000.00

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

**Inspection Number:** 1037332  
**Inspection Date(s):** 02/09/2015 - 02/11/2015  
**Issuance Date:** 07/30/2015



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
**Inspection Site:** 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803

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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 3 a** Type of Violation: **Serious**

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

On or about February 9, 2015 and in times prior thereto, a forklift operator was driving without wearing his seat belt exposing to employee to the hazard of being ejected from the forklift. The forklift was being operated in the outside utility area and the road around this area.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$4000.00



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
**Inspection Site:** 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803

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

29 CFR 1910.178(p)(1): Powered industrial truck(s) found to be in need of repair, defective, or in any way unsafe had not been taken out of service until restored to safe operating condition:

On or about February 9, 2015 and in times prior thereto, located in the outside utility area, the employer did not ensure that the forklift's defects were promptly corrected, exposing employees to the hazards of being struck by and/or ejected from forklifts:

- a: The operator's seat and seat belt as part of the seat belt and hip restraint system were badly worn.
- b: All the warning labels posted on the forklift could not be read because they had been defaced.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 08/05/2015

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

**Inspection Number:** 1037332  
**Inspection Date(s):** 02/09/2015 - 02/11/2015  
**Issuance Date:** 07/30/2015



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
**Inspection Site:** 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803

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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 4 a** Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one eighth inch:

On or about February 9, 2015 and in times prior thereto, in the maintenance area, a DeWALT, DW 785, bench grinder had a work rest that was adjusted to 1 inch exposing employees to the hazards of being struck by piece being machined and/or pieces of stone.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2015
Proposed Penalty:	\$3000.00

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

**Inspection Number:** 1037332  
**Inspection Date(s):** 02/09/2015 - 02/11/2015  
**Issuance Date:** 07/30/2015



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
**Inspection Site:** 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803

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

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch:

On or about February 9, 2015 and in times prior thereto, on a DeWalt 758 bench grinder, the distance between the abrasive wheel periphery and the adjustable tongue guard was 1.25 inches.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/05/2015

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

**Inspection Number:** 1037332  
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**Issuance Date:** 07/30/2015



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.253(b)(4)(i): Oxygen cylinders were stored near highly combustible material, especially oil and grease; or near reserve stocks of carbide and acetylene or other fuel-gas cylinders, or near other substance likely to cause or accelerate fire:

On or about February 9, 2015 and in times prior thereto, oxygen and acetylene cylinders were stored together, located in the outside utility area, exposing employees to the hazards of fire.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2015
Proposed Penalty:	\$3000.00

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

**Inspection Number:** 1037332  
**Inspection Date(s):** 02/09/2015 - 02/11/2015  
**Issuance Date:** 07/30/2015



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
**Inspection Site:** 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803

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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 6 a** Type of Violation: **Serious**

29 CFR 1910.254(b)(4)(iv): Terminals for welding leads were not protected from accidental contact by personnel or metal objects:

On or about February 9, 2015 and in times prior thereto, the power terminal boots were not put in place on a Miller Wildcat 200 welder to protect terminals. This condition created an arc flash hazard located in the maintenance area.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2015
Proposed Penalty:	\$3000.00

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

**Inspection Number:** 1037332  
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**Issuance Date:** 07/30/2015



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
**Inspection Site:** 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803

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

29 CFR 1910.254(d)(7): Electrode holders when not in use were not so placed that they could not make electrical contact with persons, conducting objects, fuel or compressed gas tanks:

On or about February 9, 2015 and in times prior thereto, the electrode was left in the stinger on a Miller Wildcat 200 welder. This condition created an electrical hazard located in the maintenance shop.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/05/2015



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
**Inspection Site:** 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803

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 7 a Type of Violation: **Serious****

29 CFR 1910.303(b)(1)(ii): Electrical equipment was not free from recognized hazards, based on the mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection thus provided:

On or about February 9, 2015 and in times prior thereto, the following electrical hazards were found in the production area;

- a. Baldor Relianget 460 volt motor had a conduit attached to the contactor box that was broken.
- b. 480 VAC disconnect marked "E1" for "I 14" Chiller had the load side conductor attached to a variable sized knock out. A ring of the knock out broke out leaving the attachment device ineffective.
- c. Metal armor conduit to grinding machine located in the grinding area was broken.
- d. 120 volt duplex and fourplex outlets, located in shipping and receiving on a metal pole near disconnect #3 had become detached from the support pole and were hanging from the supply cords.
- e. 480 volt metal conduit to starter near 30 KVA transformer, located in the grinding area was broken.
- f. 480 volt plastic conduit to Compressor #3 Kaeser, located in the outside utility area was broken.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 08/05/2015  
Proposed Penalty: \$5000.00

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

**Inspection Number:** 1037332  
**Inspection Date(s):** 02/09/2015 - 02/11/2015  
**Issuance Date:** 07/30/2015



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
**Inspection Site:** 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803

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

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

On or about February 9, 2015 and in times prior thereto, the disconnects on the overhead buss were not identified as their purpose. The created an electrical hazard located throughout the production area.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/05/2015

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

**Inspection Number:** 1037332  
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**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
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**Citation 1 Item 8** Type of Violation: **Serious**

29 CFR 1910.303(g)(1): Sufficient access and working space was not provided and maintained about all electric equipment (operating at 600 volts, nominal, or less to ground) to permit ready and safe operation and maintenance of such equipment:

On or about February 9, 2015 and in times prior thereto, safe clearance was not provided in front of electrical equipment. This condition created an electrical hazard located in the following areas:

- a. In front of a 480 volt, 30 KVA transformer, located in the grinding room.
- b. 240 volt panel, located in maintenance department.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2015
Proposed Penalty:	\$4000.00



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
**Inspection Site:** 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803

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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 9 a** Type of Violation: **Serious**

29 CFR 1910.304(a)(2): Grounded conductors were attached to terminals or leads so as to reverse designated polarity:

On or about February 9, 2015 and in times prior thereto, the following outlets were found to have reverse polarity creating an electrical hazard:

- a. Power cord to NALCO water treatment unit, located in the outside water treatment area.
- b. 4-outlet mounted to the wall below a 120 VAC fuse box above a shop table, located in the maintenance area.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2015
Proposed Penalty:	\$4000.00



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
**Inspection Site:** 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803

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

29 CFR 1910.304(g)(5): The path to ground from circuits, equipment, and enclosures was not permanent, continuous, and effective:

On or about February 9, 2015 and in times prior thereto, employees were exposed to the following ungrounded equipment, exposing employees to the hazards of electrical shock:

- a. 120 VAC - 4 plug outlet box mounted below electrical panel I2, located in the pail bay.
- b. 120 VAC extension cord to fan had a missing ground prong, located in the pail bay.
- c. 120 VAC candy machine was not ground, located in the break room.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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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 10 a      Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(i): Conductors entering cutout boxes, cabinets, or fittings were not protected from abrasions:

On about February 9, 2015 and in times prior thereto, a 460 VAC conductor cable entering a hole in the cabinet of a Kompressor, DAL 1310150845-001 did not have a bushing guard. This electrical hazard was located in the outside utility area.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2015
Proposed Penalty:	\$4000.00

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

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

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

On or about February 9, 2015 and in times prior thereto, a 120 volt extension cord was run through a hole in the wall. This electrical hazard was located in the maintenance area.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: **08/05/2015**

**U.S. Department of Labor**  
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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 11 a      Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(ii): Flexible cords were not used only in continuous lengths without splice or tap:

On or about February 9, 2015 and in times prior thereto, a yellow extension cord was spliced. This created an electrical hazard in the Nalco water treatment area.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2015
Proposed Penalty:	\$4000.00



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
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**Citation 1 Item 11 b**      Type of Violation: **Serious**

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

On or about February 9, 2015 and in times prior thereto, the following equipment was not provided with proper strain relief, exposing employees to the hazards of electrical shock:

- a. A 480 VAC cord coming from the load side of disconnect 4, located in the shipping and receiving area.
- b. A 460 VAC cord entering the cabinet of Compare L75 RS air compressor, located in the outside utility area.
- c. A 480 VAC cord to unit 167 disconnect, located in the production area.
- d. A 480 VAC cord on the load side of Chiller I 14 disconnect, located in the pail area.

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**Company Name:** BWay Corporation  
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**Citation 1 Item 12** Type of Violation: **Serious**

29 CFR 1910.333(b)(2): While an employee was exposed to contact with parts of fixed electric equipment or circuits which were deenergized, the circuits energizing the parts were not locked out or tagged or both in accordance with the requirements of this paragraph (b) of 29 CFR 1910.333(b)(2):

On or about February 9, 2015 and in times prior thereto, the 480 VAC cooling water pump motors were being repaired while energized and were not locked out. This created an electrical hazard, located in the cooling tower area.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2015
Proposed Penalty:	\$5000.00

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:** BWay Corporation  
**Inspection Site:** 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803

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

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings shall be effectively closed.

On or about February 9, 2015 and in times prior thereto, the following equipment had open holes, exposing employees to the hazards of electrical shock:

- a. Four 1 inch holes were on top of a 120 VAC breaker box, located in front of clothes changing area.
- b. Two 1 inch holes under a 120 VAC breaker panel I2 with a fourplex attached, located in the pail bay.
- c. Two breaker slots were open on a large 480 VAC panel, located in the switch gear room.

The B-Way Corporation was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.305(b)(1)(ii), which was contained in OSHA inspection number 959843, citation number 1, item number 2 and was affirmed as a final order on August 13, 2014 with respect to a workplace located at 1591 N. Harvey Mitchell Parkway, Bryan, TX 77803.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2015
Proposed Penalty:	\$20000.00



**Citation and Notification of Penalty**

**Company Name:** BWay Corporation  
**Inspection Site:** 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803

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

29 CFR 1910.305(b)(2)(i): All pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose; and each outlet box in completed installations did not have a cover, faceplate, or fixture canopy:

On or about February 9, 2015 and in times prior thereto, the following equipment did not have covers, exposing employees to the hazards of electrical shock:

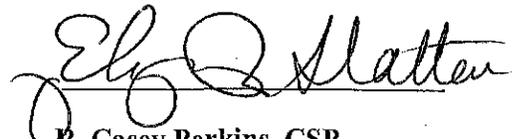
- a. A 120 volt duplex mounted to a post near the water treatment area, located in the shipping and receiving area.
- b. A 120 volt duplex mounted in the wall where a refrigerator was removed, located in the break room.
- c. A 120 volt low water level relay under I14 Chiller, located in pail bay.

The B-Way Corporation was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.305(b)(2)(I), which was contained in OSHA inspection number 959843, citation number 1, item number 3 and was affirmed as a final order on August 13, 2014 with respect to a workplace located at 1591 N. Harvey Mitchell Parkway, Bryan, TX 77803.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/05/2015

  
**R. Casey Perkins, CSP**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1033 La Posada  
Suite 375  
Austin, TX 78752  
Phone: 512-374-0271 Fax: 512-374-0086



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** BWay Corporation  
**Inspection Site:** 1591 N. Harvey Mitchell Pkwy, Bryan, TX 77803  
**Issuance Date:** 07/30/2015

<b>Summary of Penalties for Inspection Number</b>	<b>1037332</b>
<b>Citation 1, Serious</b>	<b>\$46000.00</b>
<b>Citation 2, Repeat</b>	<b>\$20000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$66000.00</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. You can also make your payment electronically on [www.pay.gov](http://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 \$25,000 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

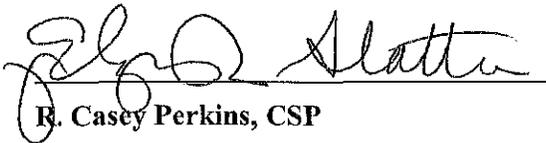
account, the bank will attempt to make the transfer up to 2 times.

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.

  
R. Casey Perkins, CSP

Area Director

7/30/2015  
Date