

U.S. Department of Labor
Occupational Safety and Health Administration
315 W. Allegan Street
Suite 207
Lansing, MI 48933
Phone: 517-487-4996 Fax: 517-487-4997



Citation and Notification of Penalty

To:
BASIC MARINE, INC.
440 N. 10TH STREET
Escanaba, MI 49829

Inspection Number: 991438
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015

Inspection Site:
440 N. 10TH STREET
Escanaba, MI 49829

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

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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.

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Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/12/2015. The conference will be held by telephone or at the OSHA office located at 315 W. Allegan Street, Suite 207, Lansing, MI 48933 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 991438

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829
Issuance Date: 02/12/2015

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, 315 W. Allegan Street, Suite 207, Lansing, MI 48933**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
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Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

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

Inspection Number: 991438
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1910.134(c)(3): The employer did not designate a program administrator who was qualified by appropriate training or experience to administer or oversee the respiratory protection program and to conduct the required evaluations of program effectiveness:

In building 2, employees were required to wear respirators during painting and welding activities, and the employer failed to ensure that a qualified program administrator was designated to oversee the respiratory protection program and conduct evaluations of program effectiveness.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/01/2015
Proposed Penalty:	\$2200.00

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: 991438
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1910.134(d)(3)(iii): The employer did not provide the appropriate respirator for protection against gases and vapors:

In building 2, employees were spraying a mixture of Seaguard 5000 HS EPOXY Hi-Solid Epoxy Coating (Part A), Off White and SEAGUARD 5000 HS EPOXY Hi-Solid Epoxy Coating (Part B), Clear Hardener within confined spaces of U.S. Army Corps of Engineers barge SAM-1503 while wearing an air purifying respirator that did not have an end-of-service-life indicator nor was a cartridge change schedule implemented based on objective data.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/01/2015
\$2200.00

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: 991438
Inspection Date(s): 08/19/2014 - 12/11/2014
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Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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 1910.134(h)(1)(i): Respirators issued for the exclusive use of an employee were not cleaned and disinfected as often as necessary to be maintained in a sanitary condition:

In building 2, employees were required to wear respirators during painting and welding activities, and the employer failed to ensure that respirators were cleaned and disinfected as often as necessary to be maintained in a sanitary condition.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/20/2015
Proposed Penalty:	\$1760.00

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: 991438
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1910.134(h)(2)(i): Respirators were not stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals or were not packed or stored to prevent deformation of the facepiece and exhalation valve:

In building 2, employees were required to wear respirators during painting and welding activities, and the employer failed to ensure that respirators were stored to protect them from damage, contamination, and dust.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/20/2015

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: 991438
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace; including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminant's chemical state and physical form:

In building 2, employees were spraying a mixture of Seagaurd 5000 HS EPOXY Hi-Solid Epoxy Coating (Part A), Off White and SEAGUARD 5000 HS EPOXY Hi-Solid Epoxy Coating (Part B), Clear Hardener, and the employer failed to ensure that a reasonable estimate of employee exposure to hazardous components of the mixture had been conducted.

Basic Marine was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.134(d)(1)(iii), which was contained in OSHA inspection # 301604260, Citation Number 01, Item 003B and was affirmed as a Final Order on August 12, 2013 with respect to a workplace located at 440 North 10th Street in Escanaba, Michigan.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/20/2015
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.

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

Inspection Number: 991438
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1910.134(f)(2): Employee(s) using a tight-fitting facepiece respirator were not annually fit tested:

In building 2, employees were required to wear respirators while spraying paint and welding in confined and enclosed spaces in barge, SAM-1503, and the employer did not ensure that fit tests were completed at least annually.

Basic Marine was previously cited for a repeat violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.134(f)(2), which was contained in OSHA inspection # 301604260, Citation Number 02, Item 001 and was affirmed as a Final Order on August 12, 2013 with respect to a workplace located at 440 North 10th Street in Escanaba, Michigan.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/20/2015
Proposed Penalty:	\$11000.00

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: 991438
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1915.35(a)(1)(i): Employees were not protected by air line respirators in accordance with requirements of 29 CFR 1915 Subpart I when continuously exposed to spraying of paints mixed with toxic vehicles or solvents in confined spaces.

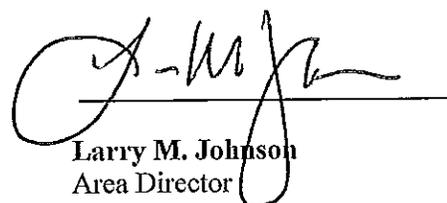
In building 2, an employee was spraying paint mixed with toxic vehicles or solvents, including but not limited to Seagaurd 5000 HS EPOXY Hi-Solid Epoxy Coating (Part A), Off White and SEAGUARD 5000 HS EPOXY Hi-Solid Epoxy Coating, Clear Hardener in confined spaces with in the barge SAM-1503, and the employer did ensure that employees were protected by airline respirators.

Basic Marine was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1915.35(a)(1), which was contained in OSHA inspection # 301604260, Citation Number 01, Item 004 and was affirmed as a Final Order on August 12, 2013 with respect to a workplace located at 440 North 10th Street in Escanaba, Michigan.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/20/2015
\$4400.00


Larry M. Johnson
Area Director

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
315 W. Allegan Street
Suite 207
Lansing, MI 48933
Phone: 517-487-4996 Fax: 517-487-4997



INVOICE / DEBT COLLECTION NOTICE

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829
Issuance Date: 02/12/2015

Summary of Penalties for Inspection Number	991438
Citation 1, Serious	\$6160.00
Citation 2, Repeat	\$19800.00
TOTAL PROPOSED PENALTIES	\$25960.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

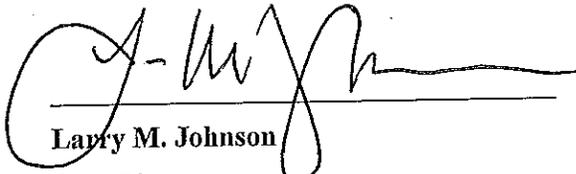
account, the bank will attempt to make the transfer up to 2 times.

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

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Larry M. Johnson
Area Director

12 February 2015

Date

U.S. Department of Labor
Occupational Safety and Health Administration
315 W. Allegan Street
Suite 207
Lansing, MI 48933
Phone: 517-487-4996 Fax: 517-487-4997



Citation and Notification of Penalty

To:
BASIC MARINE, INC.
440 N. 10TH STREET
Escanaba, MI 49829

Inspection Number: 990770
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015

Inspection Site:
440 N. 10TH STREET
Escanaba, MI 49829

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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NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 990770

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829
Issuance Date: 02/12/2015

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, 315 W. Allegan Street, Suite 207, Lansing, MI 48933**

Citation Number _____ and Item Number _____ was corrected on _____
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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: 990770
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1910.37(b)(2): Each exit was not clearly visible and marked by a sign reading "Exit":

- a. In building 1, the southeast exit leading out of the building was not marked by a sign reading "Exit".
- b. In building 3, the southeast exit leading out of the building was not marked by a sign reading "Exit".
- c. In building 3, the northwest exit leading out of the building was not marked by a sign reading "Exit".

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/11/2015
Proposed Penalty:	\$1320.00

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: 990770
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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 2 a Type of Violation: **Serious**

29 CFR 1910.219(d)(1): Pulley(s) with part(s) seven feet or less from the floor or work platform were not guarded in accordance with the requirements specified in 29 CFR 1910.219(m) and (o):

In building 1, the employer did not provide guarding around pulley(s) on the Buffalo Drill Press, Model No 22, S/N 66-4330. Employees operated the drill press to drill metal pinkeepers for the Deck Barge Crane Ramp there by exposing employees to caught in hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/01/2015
Proposed Penalty:	\$1760.00

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: 990770
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1910.219(e)(1)(i): Horizontal belts which had both runs seven feet or less from the floor level were not guarded with a guard that extended to at least fifteen inches above the belt:

In building 1, employer did not provide guarding around horizontal belts on the Buffalo Drill Press, Model No 22, S/N 66-4330. Employees operated the drill press to drill metal pinkeepers for the Deck Barge Crane Ramp there by exposing employees to caught in hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/01/2015

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: 990770
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1915.89(d)(1)(i): A clear and specific outline of the scope and purpose of the lockout/tags-plus procedure;

The employers existing hazardous energy control procedures were inadequate in that the specific written procedures did not provide clear outline to prevent energization or start up, or release of hazardous energy, during servicing of machinery such as but not limited to, hydraulic brake press, mechanical brake press, burning table, welding machines and overhead cranes there by exposing employees to hazardous energy.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/01/2015
Proposed Penalty:	\$2200.00

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: 990770
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1915.89(o)(1): The employer did not provide training to employees which incorporated the requirements of 1915.89(o)(2)(i) through (o)(2)(v):

The employer did not provide training to employees on the employers Lockout/tag-out program there by exposing employees to hazardous energy while performing maintenance, servicing and/or repair work on machines and equipment such as but not limited to, hydraulic brake press, mechanical brake press, burning table, welding machines and overhead cranes there by exposing employees to hazardous energy.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/01/2015
Proposed Penalty:	\$2200.00

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: 990770
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1915.89(q)(1): The employer shall conduct an audit of the lockout/tags-plus program and procedures currently in use at least annually to ensure that the procedures and the requirements of this section are being followed and to correct any deficiencies.

The employer did not inspect the energy control program and procedures as required under this standard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/01/2015
\$2200.00

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: 990770
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1915.112(b)(1)(i): Employer did not ensure wire rope and wire-rope slings have permanently affixed and legible identification markings as prescribed by the manufacturer indicating the recommended safe working load for the type(s) of hitch(es) used.

Employees used P&H Crane Model 790 TC, 90 ton truck crane to move a barge crane ramp. Four wire-rope slings used below the main hook did not have identification markings indicating the safe working load for the types of wire ropes used there by exposing employees struck by or crushing hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/11/2015
Proposed Penalty:	\$2200.00

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: 990770
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1915.504(b)(1): The employer did not post a fire watch during hot work operations when slag, weld splatter, or sparks might pass through an opening and caused a fire.

The employer did not post a fire watch while employees performed hot work operations inside the deck barge Omaha, when slag, weld splatter, or sparks past through an opening in the bottom of the barge landing on combustible material (wooden pallets) and could cause a fire.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/11/2015
\$1760.00

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: 990770
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

- a. In building 1, the employer did not provide machine guarding on Atlantic 450 ton press brake Model # 4d45012-10 at the point of operation. Employee was required to perform work within the danger zone to bend metal flanges there by exposing employee to an amputation hazard.
- b. In building 3, the employer did not provide machine guarding on Cincinnati Hydraulic Press Brake at the point of operations there by exposing employee to an amputation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/11/2015
Proposed Penalty:	\$60500.00

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: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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 2 a Type of Violation: **Willful**

29 CFR 1915.73(b): When employees were working in the vicinity of flush manholes and other small openings of comparable size in the deck and other working surfaces, such openings were not suitably covered or guarded to a height of not less than 30 inches.

- a. In building 2, on barge SAM-1503, employees were working in the vicinity of a flush manhole (a) in the deck while installing safety stanchions and chains and such openings were not suitably covered or guarded there by exposing employees fall hazard.
- b. In building 2, on barge SAM-1503, employees were working in the vicinity of a flush manhole (b) in the deck while installing safety stanchions and chains and such openings were not suitably covered or guarded there by exposing employees fall hazard.
- c. In building 2, on barge SAM-1503, employees were working in the vicinity of a flush manhole (c) in the deck while installing safety stanchions and chains and such openings were not suitably covered or guarded there by exposing employees fall hazard.
- d. In building 2, on barge SAM-1503, employees were working in the vicinity of a flush manhole (d) in the deck while installing safety stanchions and chains and such openings were not suitably covered or guarded there by exposing employees fall hazard.
- e. In building 2, on barge SAM-1503, employees were working in the vicinity of a flush manhole (e) in the deck while installing safety stanchions and chains and such openings were not suitably covered or guarded there by exposing employees fall hazard.
- f. In building 2, on barge SAM-1503, employees were working in the vicinity of a flush manhole (f) in the deck while installing safety stanchions and chains and such openings were not suitably covered or guarded there by exposing employees fall hazard.

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: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

g. In building 2, on barge SAM-1503, employees were working in the vicinity of a flush manhole (g) in the deck while installing safety stanchions and chains and such openings were not suitably covered or guarded there by exposing employees fall hazard.

h. In building 2, on barge SAM-1503, employees were working in the vicinity of a flush manhole (h) in the deck while installing safety stanchions and chains and such openings were not suitably covered or guarded there by exposing employees fall hazard.

i. In building 2, on barge SAM-1503, employees were working in the vicinity of a flush manhole (i) in the deck while installing safety stanchions and chains and such openings were not suitably covered or guarded there by exposing employees fall hazard.

j. In building 2, on barge SAM-1503, employees were working in the vicinity of a flush manhole (j) in the deck while installing safety stanchions and chains and such openings were not suitably covered or guarded there by exposing employees fall hazard.

k. In building 2, on barge SAM-1503, employees were working in the vicinity of a flush manhole (k) in the deck while installing safety stanchions and chains and such openings were not suitably covered or guarded there by exposing employees fall hazard.

l. In building 2, on barge SAM-1503, employees were working in the vicinity of a flush manhole (l) in the deck while installing safety stanchions and chains and such openings were not suitably covered or guarded there by exposing employees fall hazard.

m. In building 2, on barge SAM-1503, employees were working in the vicinity of a flush manhole (m) in the deck while installing safety stanchions and chains and such openings were not suitably covered or guarded there by exposing employees fall hazard.

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: 990770
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/11/2015
Proposed Penalty:	\$70000.00

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

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

Inspection Number: 990770
Inspection Date(s): 08/19/2014 - 12/11/2014
Issuance Date: 02/12/2015



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1915.73(d): When employees were exposed to unguarded edges of decks, platforms, flats, or similar flat surfaces, more than 5 feet above a solid surface, the edges were not guarded by adequate guardrails meeting the requirements of 29 CFR 1915.71(j)(1) and (2).

In building 2, USACE Deck Barge SAM-1503, on the main deck, employees were working within six inches of unguarded edge while installing safety stanchions and chains. Employees were not provided or required to wear fall protection there by exposing employees to a fall of 10 $\frac{1}{2}$ feet to the ground.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/11/2015

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: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1915.155(a)(1): The employer did not ensure that affected employees wore protective helmets when at risk from being injured by falling objects.

- a. In building 2, employees were not required to wear protective helmets at anytime while working in or around Deck Barge SAM-1503 while employees were installing metal stanchions for safety railing six inches from the edge of the barge there by exposing employees to struck by hazard from falling objects.
- b. On the north side of building 2, employees used P&H Crane Model 790 TC, 90 ton truck crane to lift a deck barge crane ramp from inside building 2 to the outside of building 2 and were not required to wear protective helmets during the crane move there by exposing employees to struck by hazard from falling objects.
- c. In building 2, employees were not required to wear protective helmets while working inside the hull of Deck Barge SAM-1503 there by exposing employees to struck by hazard from falling objects through unguarded flush manholes.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/11/2015
Proposed Penalty:	\$70000.00

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



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1915.112(c)(2): Each chain did not bear an indication of the month in which it was thoroughly inspected.

On the pier area located adjacent to building 3, employee was operating a Harnischfeger P&H Crane, Model Number #670 WLC-70 ton crawler to load a zodiac boat onto the tugboat Erika Kobasic. Chain slings were used to lift the zodiac onto the tugboat, there had been no inspection of the chain slings and no identification markings on the chain slings which indicated the month of inspection. Employees were exposed to struck by hazards.

The Basic Marine Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1915.112(c)(2) which was contained in OSHA inspection number 301604252, citation number 1, item number 14 and was affirmed as a final order on August 12, 2013, with respect to a workplace located at Basic Marine, 440 N. 10th Street in Escanaba, Michigan.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/01/2015
Proposed Penalty:	\$2640.00



Citation and Notification of Penalty

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829

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

29 CFR 1910.180(d)(6): Monthly, dated and signed inspection records and reports for truck crane(s) were not provided for critical items such as (but not limited to) brakes, crane hooks and ropes:

a. The employer did not maintain signed monthly inspection records for Harnischfeger P&H Crane, Model Number #670 WLC-70 ton crawler.

b. The employer did not maintain signed monthly inspection records for Harnischfeger P&H Crane Model 790 TC, 90 ton truck crane.

The Basic Marine Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.180(d)(6) which was contained in OSHA inspection number 301604252, citation number 3, item number 1 and was affirmed as a final order on August 12, 2013, with respect to a workplace located at Basic Marine, 440 N. 10th Street in Escanaba, Michigan.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/11/2015
\$200.00

A handwritten signature in black ink, appearing to read "Larry M. Johnson", written over a horizontal line.

Larry M. Johnson
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
315 W. Allegan Street
Suite 207
Lansing, MI 48933
Phone: 517-487-4996 Fax: 517-487-4997



INVOICE / DEBT COLLECTION NOTICE

Company Name: BASIC MARINE, INC.
Inspection Site: 440 N. 10TH STREET, Escanaba, MI 49829
Issuance Date: 02/12/2015

Summary of Penalties for Inspection Number	990770
Citation 1, Serious	\$13640.00
Citation 2, Willful	\$200500.00
Citation 3, Repeat	\$2840.00
TOTAL PROPOSED PENALTIES	\$216980.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your

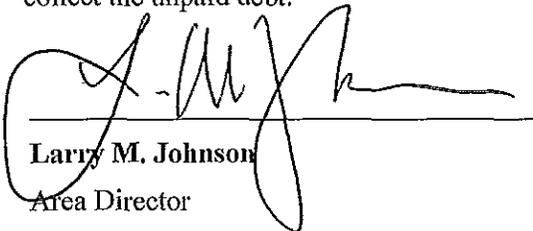
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Larry M. Johnson
Area Director

12 February 2015

Date