

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103
Phone: 314-425-4249 Fax: 314-425-4289



Citation and Notification of Penalty

To:
Coatings Unlimited Inc.
4325 Bridgeton Industrial Dr
Bridgeton, MO 63044

Inspection Number: 601618
Inspection Date(s): 08/28/2012 - 02/15/2013
Issuance Date: 02/15/2013

Inspection Site:
3400 N. Highway 94
Saint Charles, MO 63301

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 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. 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 02/15/2013. The conference will be held at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 601618

Company Name: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301
Issuance Date: 02/15/2013

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, 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103**

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: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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

29 CFR 1910.134(c)(1):

A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about August 27 and 28, 2012, an employee entered a sanitary sewer dry well and five (5) vault manholes to conduct activities such as, but not limited to:

- a.) Solvent cleaning using Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).
- b.) Painting using Sherwin Williams Macropoxy 646 Fast Curing Epoxy Part A (B58T604) and Part B (B58V600) that contained xylene, methyl isobutyl ketone (Hexone, MIBK), and ethyl benzene and thinned with Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).

The employer's respirator program did not include worksite specific procedures to protect employees when an atmospheric hazard was introduced and/or existed in a confined space.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/01/2013
Proposed Penalty:	\$5600.00



Citation and Notification of Penalty

Company Name: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

Citation 1 Item 2 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: (Construction Reference 1926.103):

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about August 27 and 28, 2012, an employee entered a newly constructed sanitary sewer dry well and five (5) vault manholes using products with hazardous chemicals without appropriate respiratory protection. This was due to the employer not selecting a qualified respirator program administrator and/or providing appropriate training to the respirator program administrator to ensure the respiratory protection program was effective. The employee was exposed to hazardous chemicals without the use of appropriate respiratory protection to conduct activities such as, but not limited to:

- a.) Solvent cleaning using Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).
- b.) Painting using Sherwin Williams Macropoxy 646 Fast Curing Epoxy Part A (B58T604) and Part B (B58V600) that contained xylene, methyl isobutyl ketone (Hexone, MIBK), and ethyl benzene and thinned with Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/01/2013
Proposed Penalty: \$5600.00



Citation and Notification of Penalty

Company Name: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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

29 CFR 1910.134(e)(1):

The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace: (Construction Reference 1926.103)

Note: The employer may discontinue employee medical evaluations when the employee is no longer required to use a respirator.

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about August 27 and 28, 2012, the employer did not provide a medical evaluation to determine an employee's ability to use respiratory protection. An employee entered a sanitary sewer dry well and five (5) vault manholes to conduct activities such as, but not limited to:

- a.) Solvent cleaning using Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).
- b.) Painting using Sherwin Williams Macropoxy 646 Fast Curing Epoxy Part A (B58T604) and Part B (B58V600) that contained xylene, methyl isobutyl ketone (Hexone, MIBK), and ethyl benzene and thinned with Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).

These activities necessitated the use of respiratory protection.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/01/2013
Proposed Penalty: \$5600.00

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: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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

29 CFR 1910.134(k):

The employer did not provide comprehensive, understandable respirator training which did not occur annually and/or more often if necessary: (Construction Reference 1926.103)

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about August 27 and 28, 2012, the employer did not provide initial and annual respirator training to an employee who was assigned to enter an untested sanitary sewer dry well and five (5) vault manholes to conduct activities such as, but not limited to:

- a.) Solvent cleaning using Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).
- b.) Painting using Sherwin Williams Macropoxy 646 Fast Curing Epoxy Part A (B58T604) and Part B (B58V600) that contained xylene, methyl isobutyl ketone (Hexone, MIBK), and ethyl benzene and thinned with Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).

These activities necessitated the use of respiratory protection.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/01/2013
Proposed Penalty:	\$5600.00



Citation and Notification of Penalty

Company Name: Coatings Unlimited Inc.

Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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

29 CFR 1910.134(m)(2)(i):

The employer did not establish a record of the qualitative and quantitative fit tests administered to an employee which included the information required by 29 CFR 1910.134(m)(2)(i)(A) through (m)(2)(i)(E): (Construction Reference 1926.103)(a)

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about August 27 and 28, 2012, the employer did not have qualitative and/or quantitative fit test documentation for an employee who was assigned to enter a sanitary sewer dry well and five (5) vault manholes performing activities that necessitated the use of respiratory protection. The employee entered the confined spaces to conduct activities such as, but not limited to:

- a.) Solvent cleaning using Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).
- b.) Painting using Sherwin Williams Macropoxy 646 Fast Curing Epoxy Part A (B58T604) and Part B (B58V600) that contained xylene, methyl isobutyl ketone (Hexone, MIBK), and ethyl benzene and thinned with Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).

These activities necessitated the use of respiratory protection.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/01/2013

Proposed Penalty:

\$5600.00



Citation and Notification of Penalty

Company Name: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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

29 CFR 1910.1200(h)(3):

The employee training did not include the requirements of 29 CFR 1910.1200(h)(3)(i) through (h)(3)(iv): (Construction Reference: 1926.59)

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about August 23 through Aug 28, 2012, the employer did not provide adequate hazard communication training to employees involved in activities to include, but not limited to:

- a.) An employee solvent cleaning in six (6) confined spaces using Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK) .
- b.) An employee painting in six (6) confined spaces using Sherwin Williams Macropoxy 646 Fast Curing Epoxy Part A (B58T604) and Part B (B58V600) that contained xylene, methyl isobutyl ketone (Hexone, MIBK), and ethyl benzene and thinned with Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).
- c.) An employee thinning/mixing paint using Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK) and Sherwin Williams Macropoxy 646 Fast Curing Epoxy Part A (B58T604) and Part B (B58V600) that contained xylene, methyl isobutyl ketone (Hexone, MIBK), and ethyl benzene.
- d.) A Project Manager/Estimator evaluating a confined space job and ordering the 2-part epoxy paint for use in six (6) confined spaces.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/01/2013
\$5600.00

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: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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

29 CFR 1926.21(b)(6)(i):

Employees required to enter into confined or enclosed spaces were not instructed as to the nature of the hazards involved, the necessary precautions to be taken, and in the use of protective and emergency equipment required:

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about Aug. 27 and 28, 2012, the employer did not ensure workers were adequately trained to identify and recognize hazards associated with valve vault manholes and a dry well valve vault. A worker was exposed to a hazardous atmosphere when assigned the task of cleaning and coating piping/valves in confined spaces using solvents and solvent containing coatings. The employer failed to provide adequate training to the employee in the following instances:

- (1) Employee was not instructed or trained to recognize and avoid potential atmospheric hazards associated with permit-required confined spaces.
- (2) Employee was not provided instruction on the need for atmospheric testing, how to operate sampling equipment, how to conduct atmospheric testing, and the need to document test results.
- (3) Employee was not instructed on the need for ventilation equipment when exposed to a toxic atmosphere and how to properly use such equipment.
- (4) Employee was not provided instruction on the need for a continuous attendant along with the need for continuous communication between the entrant and attendant.
- (5) Employee was not provided instruction on the need for and how to complete the employer's confined space permit.
- (6) Employee was not trained in emergency response procedures, the necessity for retrieval equipment, and how to properly use such equipment.

The worker died from acute methyl ethyl ketone toxicity.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

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

Inspection Number: 601618
Inspection Date(s): 08/28/2012 - 02/15/2013
Issuance Date: 02/15/2013



Citation and Notification of Penalty

Company Name: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/01/2013
Proposed Penalty:	\$5600.00

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: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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

29 CFR 1926.95(a):

Personal protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, was not provided, used, or maintained in a sanitary and reliable condition where it was necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation, or physical contact:

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about August 27 and 28, 2012, the employer did not ensure that appropriate chemical resistant gloves were provided to a worker who used methyl ethyl ketone (MEK) and rags to wipe clean piping/valve surfaces prior to painting.

- a.) The employer allowed a painter to use nitrile coated Best Aegis HP54 gloves when solvent wiping using MEK; the Best chemical resistance chart states that nitrile is not recommended for use with MEK.
- b.) The employer provided Microflex Diamond Grip disposable latex gloves for use with MEK; the Microflex chemical resistance guide states that latex is not recommended for use with MEK.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/01/2013
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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: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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

29 CFR 1926.150(a)(2):

Access to all available firefighting equipment was not maintained at all times:

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about Aug. 28, 2012, the employer did not ensure that an employee had a fire extinguisher readily available at all times when working with flammable products such as, but not limited to:

- a.) Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK), flashpoint 18°F.
- b.) Sherwin Williams Macropoxy 646 Fast Curing Epoxy Part A (B58T604), flashpoint 73°F.
- c.) Sherwin Williams Macropoxy 646 Fast Curing Epoxy Part B (B58V600), flashpoint 73°F.
- d.) Mixed Sherwin Williams Macropoxy 646 2-part epoxy comprised of Part A (B58T604) and Part B (B58V600), flashpoint 91°F.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/01/2013
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Citation and Notification of Penalty

Company Name: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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 1926.1051(a):

Stairway(s) or ladder(s) were not provided at all personnel points of access where there was a break in elevation of 19 inches (48 cm) or more, or no ramp, runway, sloped embankment, or personnel hoist was provided:

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about Aug. 23 through 28, 2012, the employer did not provide a proper length ladder or personnel hoist when assigning a painter work activities inside a valve vault manhole approximately 18'6" deep. The fixed ladder rungs were recessed approximately 8 ½ inches from the edge of the hatch opening and the valve vault manhole lid was approximately 12 inches in depth making it unsafe to enter and exit the space. The distance to the first accessible ladder rung was measured to be approximately 34 inches.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
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\$5600.00



Citation and Notification of Penalty

Company Name: Coatings Unlimited Inc.

Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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

29 CFR 1926.1053(b)(1):

Portable ladders were used for access to an upper landing surface and the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface to which the ladder was used to gain access:

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about Aug. 27, 2012, the employer did not provide the worker with a portable ladder of sufficient length to ensure that the side rails extended a minimum of 3 ft. above the surface of the confined spaces. The vault manholes were equipped with fixed ladder rungs that were recessed approximately 8 ½ inches from the edge of the hatch opening; the valve vault manhole lid was approximately 12 inches in depth resulting in a reach distance of approximately 34 inches from the top of the manhole access hatch to the first accessible ladder rung. This made it unsafe to enter and exit the space resulting in a fall hazard. The employer provided the worker with an 8 ft. stepladder for use in spaces with depths that ranged from 6'1" to 8'6" deep. The worker was required to:

- a.) Enter a meter vault manhole with equipment, materials, and supplies that was approximately 6'1" deep. The 8 ft. stepladder extended a maximum of 1 ft. 11 inches above the ground. This exposed the worker to a fall distance of approximately 6'1".
- b.) Enter a valve vault manhole with equipment, materials, and supplies that was approximately 7'0" deep. The 8 ft. stepladder extended a maximum of 1 ft. above the ground. This exposed the worker to a fall distance of approximately 7'0".
- c.) Enter a valve vault manhole with equipment, materials, and supplies that was approximately 7'6" deep. The 8 ft. stepladder extended a maximum of 6 inches above the ground. This exposed the worker to a fall distance of approximately 7'6".
- d.) Enter a valve vault manhole with equipment, materials, and supplies that was approximately 8'6" deep. The 8 ft. stepladder did not extend above the ground. This exposed the worker to a fall distance of approximately 8'6".

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

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 and Notification of Penalty

Company Name: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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

29 CFR 1926.1053(b)(4):

Ladder(s) were used for purposes other than the purpose for which they were designed:

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about Aug. 27, 2012, the employer provided the worker with an improper portable ladder for use in five (5) vault manholes that ranged in depth from 6'1" to 18'6". The vault manholes were equipped with fixed ladder rungs that were recessed approximately 8 1/2 inches from the edge of the hatch opening; the valve vault manhole lid was approximately 12 inches in depth resulting in a reach distance of approximately 34 inches from the top of the manhole access hatch to the first accessible ladder rung. Each vault manhole hatch opening measured 41" by 36" and the base of the ladder in the open and locked position was 53 1/2" by 25". The dimensions of the vault manhole made it impossible to have the stepladder in the fully open and locked position in these confined spaces prior to using the ladder. The employer failed to provide the worker with the proper portable ladder despite having a policy in their written safety program that requires stepladders to have a metal spreader or locking device holding the front and back sections in an open position when the ladder is in use. The employer provided an 8 ft. stepladder which could not be used in the open and locked position exposing the employee to fall hazards as follows:

- a.) The worker entered a meter vault manhole with equipment, materials, and supplies that was approximately 6'1" deep. The 8 ft. stepladder was used to access this space exposing the worker to a fall distance of approximately 6'1".
- b.) The worker entered a valve vault manhole with equipment, materials, and supplies that was approximately 7'0" deep. The 8 ft. stepladder was used to access this space exposing the worker to a fall distance of approximately 7'0".
- c.) The worker entered a valve vault manhole with equipment, materials, and supplies that was approximately 7'6" deep. The 8 ft. stepladder was used to access this space exposing the worker to a fall distance of approximately 7'6".
- d.) The worker entered a valve vault manhole with equipment, materials, and supplies that was approximately 8'6" deep. The 8 ft. stepladder was used to access this space exposing the worker to a fall distance of approximately 8'6".

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: 601618
Inspection Date(s): 08/28/2012 - 02/15/2013
Issuance Date: 02/15/2013



Citation and Notification of Penalty

Company Name: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/01/2013

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: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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

OSH ACT of 1970 Section (5)(a)(1):

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employee(s) in that employee(s) were exposed to hazards associated with being overcome by toxic gases and/or oxygen deficient atmospheres in confined spaces:

Location: At the Boschertown Sanitary Sewer Lift Station at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about Aug. 27 and 28, 2012, the employer failed to ensure safe confined space entry conditions when an employee worked in vault manholes and a dry well (valve vault) that contained or had the potential to contain an atmospheric hazard. Despite having a written confined space program, air sampling equipment and ventilation devices, the employer failed to ensure safe confined space entry conditions as follows:

- * Failed to complete a confined space permit identifying and communicating safety requirements prior to assigning a painter work inside of a permit required confined space.
- * Failed to assign an attendant to the worksite to be stationed immediately outside the confined space during all periods of entry.
- * Failed to provide and require the use of appropriate harness and retrieval equipment for use in the event of an emergency.
- * Failed to provide air sampling equipment so that acceptable conditions could be verified prior to, and during all periods of entry.
- * Failed to provide and require the use of ventilation equipment when atmospheric hazards may be present or may arise in the space.

The employee worked in 6 confined spaces using Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK), and Sherwin Williams Macropoxy 646 Fast Curing Epoxy Part A (B58T604) and Part B (B58V600) that contained xylene, methyl isobutyl ketone (Hexone, MIBK), and ethyl benzene. The employee was overcome by toxic vapors such as, but not limited to, MEK, xylene, MIBK, and ethyl benzene. The Medical Examiner listed the cause of death as acute methyl ethyl ketone toxicity.

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: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

Among other methods, recognized and feasible means of abatement to correct the hazard include, but are not limited to:

- (1) Implementation of the Confined Space Program outlined in the employer's Safety Manual in Section G (for construction activities) and Section J (1910.146).
- (2) Implementation of the elements required by the American National Standards Institute (ANSI)/American Society of Safety Engineers (ASSE) Standard Z117.1- 2009, Safety Requirements for Confined Spaces.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/01/2013
Proposed Penalty:	\$56000.00



Citation and Notification of Penalty

Company Name: Coatings Unlimited Inc.

Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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

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 contaminants chemical state and physical form: (Construction Reference 1926.103)

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about Aug. 27 and 28, 2012, the employer failed to conduct an assessment to determine the potential for a hazardous atmosphere or treat the atmosphere as an IDLH (Immediately Dangerous to Life or Health) environment when an employee was assigned to work in 6 confined spaces. The employer failed to conduct an assessment in accordance with their written respirator program and despite having air sampling equipment. An employee entered a sanitary sewer dry well and five (5) vault manholes and was exposed to potential atmospheric hazards when the employer:

- a.) Failed to test or estimate solvent levels when an employee used Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK) and when painting piping systems using Sherwin Williams Macropoxy 646 Fast Curing Epoxy Part A (B58T604) and Part B (B58V600) that contained xylene, methyl isobutyl ketone (Hexone, MIBK), and ethyl benzene, thinned with Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).

While performing work in a confined space, an employee was exposed to a hazardous atmosphere that had high levels of cleaning solvent, methyl ethyl ketone (MEK or 2-butanone), and/or paint solvents to include, but not limited to, xylene, methyl isobutyl ketone (MIBK or hexone) and ethyl benzene. The employee died from his exposure.

- b.) Failed to test for sewer gases in the event of a valve leak, leakage from the wet well into the dry well, or migration of soil gases from the lagoon system.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

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: 601618
Inspection Date(s): 08/28/2012 - 02/15/2013
Issuance Date: 02/15/2013



Citation and Notification of Penalty

Company Name: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/13/2013
\$56000.00

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: Coatings Unlimited Inc.

Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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 3 a Type of Violation: **Willful**

29 CFR 1926.55(a):

Employee(s) were exposed to material(s) at concentrations above those specified in the Threshold Limit Values of Airborne Contaminants for 1970 of the American Conference of Governmental Industrial Hygienists:

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about Aug. 28, 2012, an employee was exposed to 2-butanone (methyl ethyl ketone - MEK) above the 8-hour time weighted average (TWA) permissible exposure limit (PEL) of 200 parts per million (ppm). The employee was exposed to approximately 1000 ppm averaged over an 8-hour time period. The employer failed to conduct air monitoring despite having sampling equipment such as a Drager bellow pump and despite having the capability of obtaining other equipment.

An employee was assigned tasks that involved the use of solvent based products such as, but not limited to:

- a.) Solvent cleaning the piping system in an 18'6" deep valve vault manhole using Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).
- b.) Thinning paint using Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).
- c.) Painting the piping system in an 18'6" deep valve vault manhole using Sherwin Williams Macropoxy 646 Fast Curing Epoxy Part A (B58T604) and Part B (B58V600) that contained xylene, methyl isobutyl ketone (Hexone, MIBK), and ethyl benzene thinned with Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

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: 601618
Inspection Date(s): 08/28/2012 - 02/15/2013
Issuance Date: 02/15/2013



Citation and Notification of Penalty

Company Name: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/01/2013
Proposed Penalty:	\$56000.00

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: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

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

29 CFR 1926.55(b):

Feasible administrative or engineering controls were not implemented to reduce employee exposure(s):

Location: The Boschertown Sanitary Sewer Project at or near 3400 N. Hwy 94, St. Charles, MO 63301.

On or about Aug. 28, 2012, an employee was exposed to 2-butanone (methyl ethyl ketone - MEK) above the 8-hour time weighted average (TWA) permissible exposure limit (PEL) of 200 parts per million (ppm). The employee was exposed to approximately 1000 ppm averaged over an 8-hour time period. The employer did not ensure that engineering controls were implemented to control atmospheric concentrations of solvents including, but not limited to, MEK. The employer failed to utilize engineering controls in accordance with their written safety and health programs.

An employee was assigned tasks that involved the use of solvent based products such as, but not limited to:

- a.) Solvent cleaning the piping system in an 18'6" deep valve vault manhole using Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).
- b.) Thinning paint using Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).
- c.) Painting the piping system in an 18'6" deep valve vault manhole using Sherwin Williams Macropoxy 646 Fast Curing Epoxy Part A (B58T604) and Part B (B58V600) that contained xylene, methyl isobutyl ketone (Hexone, MIBK), and ethyl benzene thinned with Sherwin Williams, R6K10, Methyl Ethyl Ketone (2-Butanone, MEK).

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/01/2013

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: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.1200(f)(6)(ii):

Except as provided in 29 CFR 1910.1200(f)(7) and 29 CFR 1910.1200(f)(8), the employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the product identifier and 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, would provide employees with the specific information regarding the physical and health hazards of the hazardous chemical:

Location: The Coatings Unlimited Inc. business at or near 4325 Bridgeton Industrial Drive, Bridgeton, MO 63044.

The employer did not ensure that the NFPA diamond labels posted on the storage tanks of solvents (methyl ethyl ketone, xylene and mineral spirits) had the numbers listed to identify the degree of hazard for each category.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/13/2013
Proposed Penalty: \$00

A handwritten signature in black ink that reads "William McDonald".

William McDonald
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103
Phone: 314-425-4249 Fax: 314-425-4289



INVOICE / DEBT COLLECTION NOTICE

Company Name: Coatings Unlimited Inc.
Inspection Site: 3400 N. Highway 94, Saint Charles, MO 63301
Issuance Date: 02/15/2013

Summary of Penalties for Inspection Number	601618
Citation 1, Serious	\$56,000.00
Citation 2, Willful	\$168,000.00
Citation 3, Other-than-Serious	\$.00
TOTAL PROPOSED PENALTIES	\$224,000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions 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.



William McDonald

Area Director

Feb 15, 2013
Date