

U.S. Department of Labor
Occupational Safety and Health Administration
5807 Breckenridge Pkwy
Suite A
Tampa, FL 33610
Phone: 813-626-1177 Fax: 813-626-7015



Citation and Notification of Penalty

To:
COMMERCIAL WAREHOUSING, INC.
100 INDUSTRIAL BLVD.
Winter Haven, FL 33880

Inspection Number: 1019448
Inspection Date(s): 01/15/2015 - 07/08/2015
Issuance Date: 07/10/2015

Inspection Site:
102 INDUSTRIAL BLVD
Winter Haven, FL 33880

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

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

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

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

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

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

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

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

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/10/2015. The conference will be held by telephone or at the OSHA office located at 5807 Breckenridge Pkwy, Suite A, Tampa, FL 33610 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1019448

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880
Issuance Date: 07/10/2015

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, 5807 Breckenridge Pkwy, Suite A, Tampa, FL 33610**

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

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

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

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

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

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

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

Signature

Date

Typed or Printed Name

Title

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

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

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

Inspection Number: 1019448
Inspection Date(s): 01/15/2015 - 07/08/2015
Issuance Date: 07/10/2015



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

29 CFR 1910.36(g)(2): Exit access(es) were not at least 28 inches (71.1 cm) wide at all points.

a) For the Commercial Warehousing T5/T6 ammonia refrigeration facility as observed on or about 04/01/2015, exit aisles in the warehouse areas such as freezer #2 were blocked by pallets of material. At multiple locations, it was impossible to fit through/past material staged in aisles resulting in the emergency exit access being blocked.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/17/2015
\$3600.00



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

29 CFR 1910.119(d)(3)(i)(B): The employer's piping and instrument diagrams were not accurate and did not represent equipment that was existing and was part of the process:

For the Commercial Warehousing ammonia refrigeration facility located at 101 and 102 Industrial Blvd. in Winter Haven, FL as observed on or about 1/15/2015: The piping and instrumentation diagrams for the ammonia refrigeration process were incomplete and inaccurate in that:

- a) Spring-loaded self-closing valves at oil pots were not depicted on the process and instrumentation diagrams.
- b) Electrical control schemes for accumulator and intercooler high level control cutoffs were not depicted on the process and instrumentation diagrams.
- c) Electrical emergency shutdown systems for T6-north and T6-south engine rooms were not depicted on process and instrumentation diagrams.
- d) Piping changes connecting T6-North and T6-South refrigeration systems to T5 refrigeration system were not depicted on process and instrumentation diagrams.
- e) Solenoid valve additions and control schemes to control the flow of ammonia between T6-north, T6-south, and T5 ammonia systems/engine rooms were not depicted on process and instrumentation diagrams.
- f) T5 engine room equipment was not included in the process and safety instrumentation diagrams.
- g) Gauges for measurement of temperature and pressure were not depicted on the process and instrumentation diagrams.

U.S. Department of Labor
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Inspection Number: 1019448
Inspection Date(s): 01/15/2015 - 07/08/2015
Issuance Date: 07/10/2015



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

Date By Which Violation Must be Abated:	08/09/2015
Proposed Penalty:	\$4500.00

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: 1019448
Inspection Date(s): 01/15/2015 - 07/08/2015
Issuance Date: 07/10/2015



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

29 CFR 1910.119(d)(3)(i)(D): The employer did not include, in the process safety information compilation, the relief system design and the design basis:

a) For the Commercial Warehousing ammonia refrigeration facility located at 101 and 102 Industrial Blvd. in Winter Haven, FL as observed on or about 1/15/2015: Information on the design basis of the relief system was not available such as, but not limited to, calculations to show that the relief valves' sizing and the relief piping sizing were of a safe design to handle all potential release scenarios.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/07/2015
\$4500.00



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

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

For the Commercial Warehousing ammonia refrigeration facility located at 101 and 102 Industrial Blvd. in Winter Haven, FL as observed on or about 1/15/2015:

- a) Pressure vessels in the engine rooms such as, but not limited to, the T6-North were operated at temperatures below their minimum design metal temperature.
- b) Ammonia detectors were not interlocked to ventilation fans in engine rooms, and ventilation fans in engine rooms did not have an interlocked supervisory alarm that would sound if the ventilation fans shut off.
- c) Remote actuation of ventilation system, outside of engine room, was not available. The only way to turn on fans was from a breaker inside the engine rooms.
- d) Ammonia relief vent discharge was located at a height of 19-20 ft. above ground and only 9-12 ft. from the T6 north engine room's ventilation intake while the employer's process safety information stated that the relief discharge shall not be within 20 feet of a ventilation intake. This location exposed employees working outside in the area around the high pressure receiver, the condensers, and at the engine room entrance door to potential ammonia concentrations above ammonia's IDLH, 300 ppm. The relief discharge's location also resulted in the potential for ammonia vapors to be pulled back into the engine room from the ventilation intake.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/07/2015
\$4500.00



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

29 CFR 1910.119(e)(5): The employer did not establish a system to promptly address the team's findings and recommendations; assure that the recommendations were resolved in a timely manner with documented resolutions; document the actions that were to be taken; complete actions as soon as possible; develop a written schedule of action completion dates; or communicate the actions to operating maintenance, and other employees working in the process areas or who may have been affected by the recommendations or actions:

For the Commercial Warehousing facility as observed on or about 01/15/2015, PHA action items that had been initiated in 2007 and 2012 were still not resolved. There was no system in place to track these items, no expected completion dates, no designation of who the responsible party was, and no priority ranking. The following action items were still not completed:

- a) Single relief valves were not all replaced with dual relief valves - 2007 PHA - Action Item #1
- b) Maintenance and calibration of ammonia detectors had not been accomplished - 2007 PHA - Action Item #4
- c) Ammonia detectors had not been installed in the warehouse areas - 2007 PHA - Action Item #5
- d) Equipment still had single relief valves and a written isolation and change-out procedure had not been established - 2012 PHA - Action Item #2
- e) Ammonia detectors had still not been installed and the existing one in T6 engine room north (only detector on site) had not been calibrated. - 2012 PHA - Action Item #7
- f) The employer's emergency action plan (EAP) did not comply with 1910.38 in that there was no alarm system for an ammonia release, no alarm system for a fire that was audible in the freezers, and the EAP did not have procedures to describe how refrigeration employees were to distinguish between a small leak that they could isolate and a larger leak that required evacuation. 2012 PHA - Action Item #11.

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: 1019448
Inspection Date(s): 01/15/2015 - 07/08/2015
Issuance Date: 07/10/2015



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

Date By Which Violation Must be Abated:
Proposed Penalty:

08/21/2015
\$4500.00

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: 1019448
Inspection Date(s): 01/15/2015 - 07/08/2015
Issuance Date: 07/10/2015



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

29 CFR 1910.119(f)(1): The employer did not develop and implement written operating procedures that provided clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and addressing at least steps for each operating phase, safe operating limits, safety and health considerations, and safety systems and their functions as outlined by this paragraph:

For the Commercial Warehousing ammonia refrigeration facility located at 101 and 102 Industrial Blvd. in Winter Haven, FL as observed on or about 1/15/2015, complete and clear operating procedures for the following employee process activities were not developed and implemented for using new computerized G-force compressor control panels

Date By Which Violation Must be Abated:
Proposed Penalty:

07/24/2015
\$4500.00

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

Inspection Number: 1019448
Inspection Date(s): 01/15/2015 - 07/08/2015
Issuance Date: 07/10/2015



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

29 CFR 1910.119(f)(3): The employer did not certify that operating procedures were current and accurate:

a) For the Commercial Warehousing facility at 101 and 102 Industrial Blvd., Winter Haven, FL, as observed on or about 01/15/2015, the employer did not annually certify operating procedures for its T5/T6 anhydrous ammonia refrigeration process.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/24/2015
\$4500.00

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: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

29 CFR 1910.119(f)(4): The employer did not develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a facility by maintenance, contractor, laboratory, or other support personnel:

a) For the Commercial Warehousing ammonia refrigeration facility located at 101 and 102 Industrial Blvd. in Winter Haven, FL as observed on or about 1/15/2015, safe work procedures were not developed for operational activities that resulted in the opening of the ammonia process such as draining/purging of oil.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4500.00



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

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

29 CFR 1910.119(i)(1): The employer did not perform a pre-startup safety review for new facilities and for modified facilities when the modification was significant enough to require a change in the process safety information.

a) For the Commercial Warehousing ammonia refrigeration facility at 102 and 101 Industrial Blvd. in Winter Haven, FL as observed on or about 1/15/2015, a pre-startup safety review was not conducted when the T5 ammonia refrigeration system had its high pressure receiver removed, condensers taken out of service, and new piping and solenoid valves installed to connect the T5 system to the T6-North and T6-South high pressure receivers.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/31/2015
\$4500.00



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

29 CFR 1910.119(l)(1): The employer did not implement procedures to manage changes to process chemicals, technology, equipment, and procedures, and changes to facilities that affect a covered process:

For the Commercial Warehousing ammonia refrigeration facility at 102 and 101 Industrial Blvd. in Winter Haven, FL as observed on or about 1/15/2015, management of change procedures were not implemented for the following technological and equipment changes that were conducted on the system:

- a) Changes were made to compressor control panels in that replacement/upgrading of the Mycom compressor control panels with G-force panels started in 2012 and is being continued to present day.
- b) In 2012, the T5 engine room was connected to the T6 north and south engine rooms. This resulted in the eliminating of the T5 receiver, compressor, and their associated valves and piping in T5 engine room. It also involved the installation of piping and valves connecting T6 north and south process piping to T5 process piping and pressure vessels and the addition of solenoid valves to control the distribution of ammonia between engine rooms.

Date By Which Violation Must be Abated:

07/31/2015



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

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

29 CFR 1910.119(j)(2): The employer did not implement written procedures to maintain the on-going integrity of process equipment:

For the Commercial Warehousing ammonia refrigeration facility located at 101 and 102 Industrial Blvd. in Winter Haven, FL as observed on or about 1/15/2015: preventative maintenance/mechanical integrity procedures were not implemented, in that, equipment was not serviced on a programmed basis as established by PM/mechanical integrity procedures; rather, equipment was serviced as needed when it failed. Equipment such as, but not limited to, the following were not inspected or serviced in accordance with the employer's mechanical integrity program:

- a) Compressors oil quality was not analyzed
- b) Heat exchanger/condenser tubes were not inspected/cleaned at least monthly
- c) Compressor high pressure safety cutoffs were not tested at least bi-annually
- d) Pressure vessels such as intercoolers and accumulators were not inspected or tested to determine the condition of their wall thickness.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/07/2015
\$4500.00



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

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

For the Commercial Warehousing ammonia refrigeration facility located at 101 and 102 Industrial Blvd. in Winter Haven, FL as observed on or about 1/15/2015: preventative maintenance/mechanical integrity inspections of process equipment were not documented. Mechanical integrity inspection/testing documentation for serviced equipment such as, but not limited to, the following were not available:

- a) Inspections of piping insulation were not documented.
- b) Vibration inspections/analysis of compressors were not documented.
- c) Annual testing of compressor float switches, alarms, and cutoffs were not documented.
- d) Changing of compressor oil was not documented.

Date By Which Violation Must be Abated:

08/07/2015



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

29 CFR 1910.119(n): The employer did not establish an emergency plan for the entire plant in accordance with the provisions of 29 CFR 1910.38:

For the Commercial Warehousing T5/T6 refrigeration system located at 101 and 102 industrial Blvd., Winter Haven, FL as observed between 01/15/2015 and 04/01/2015:

- a) The emergency plan was not reviewed with all employees. multiple employees at the facility were not aware of the exit procedures, where the evacuation point was, or who they were supposed to report to in event of an evacuation.
- b) There was no alarm system to indicate an ammonia release and fire alarms were only visible/audible on the docks, not in the warehouse freezers/coolers.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/24/2015
\$4500.00



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

a) For the Commercial Warehousing refrigeration facility at 101 and 102 Industrial Blvd., Winter Haven, as observed on or about 01/15/2015, eyewash/shower stations were not accessible in the work area in that eyewash/shower stations were not located within ammonia refrigeration engine rooms where refrigeration technicians worked.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/24/2015
\$4500.00



Citation and Notification of Penalty

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880

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

29 CFR 1910.119(j)(4)(iii): The frequency of inspections and tests of process equipment was not consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience.

For the Commercial Warehousing facility at 101 and 102 Industrial Blvd., Winter Haven, as observed on or about 01/15/2015, piping inspection pressure vessel inspections and tests were not consistent with good engineering practice in that:

a) Refrigerant piping with compromised vapor seal and visibly damaged insulation was not inspected for corrosion damage nor was its insulation repaired. It was observed on site that in engine room T6 North, T5, and for multiple refrigerant piping for evaporators in T5 and T6: insulation was damaged, severe icing was present, and process vessels such as the intercooler in T5 engine room had extensive corrosion present underneath its insulation.

b) Non-destructive testing had not been implemented for insulated ammonia piping and pressure vessels since the process was initiated in 1996-1997. Severe icing was present, melting, icing, and re-melting was observed, insulation was damaged, its vapor barrier removed, and insulation was wet to the touch in that water had absorbed through it. No testing had been done to determine the integrity of the piping of process vessel walls underneath the damaged insulation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/21/2015
Proposed Penalty: \$63000.00

A handwritten signature in black ink that reads "Leslie L. Grove III".

Leslie L. Grove III
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
5807 Breckenridge Pkwy
Suite A
Tampa, FL 33610
Phone: 813-626-1177 Fax: 813-626-7015



INVOICE / DEBT COLLECTION NOTICE

Company Name: COMMERCIAL WAREHOUSING, INC.
Inspection Site: 102 INDUSTRIAL BLVD, Winter Haven, FL 33880
Issuance Date: 07/10/2015

Summary of Penalties for Inspection Number	1019448
Citation 1, Serious	\$53100.00
Citation 2, Willful	\$63000.00
TOTAL PROPOSED PENALTIES	\$116100.00

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 \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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

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



Leslie L. Grove III

Area Director

7/10/2015
Date