

U.S. Department of Labor
Occupational Safety and Health Administration
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: 973-263-1003 Fax: 973-299-7161



Citation and Notification of Penalty

To:
Continental Terminals, Inc.
112 Port Jersey Ave
Jersey City, NJ 07305

Inspection Number: 281192
Inspection Date(s): 03/15/2012 - 09/07/2012
Issuance Date: 09/14/2012

Inspection Site:
River Terminal Development- South Kearny Industrial
Complex
3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr.
Kearny, NJ 07032

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 09/14/2012. The conference will be held at the OSHA office located at 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 281192

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

Issuance Date: 09/14/2012

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, 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054**

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: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.36(d)(1): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

- a) 1 Eastern Rd warehouse
Emergency exit door in Area D, along the northeast wall was sealed shut with foam.
- b) 1 Eastern Rd warehouse
Emergency exit door in Area D break room was locked.
- c) 1 Eastern Rd warehouse
Emergency exit door in Area C, along the northeast wall was padlocked from the outside.
- d) 1 Eastern Rd warehouse
Emergency exit door in Area B, along the north corner wall all was sealed shut with foam.
- e) 1 Eastern Rd warehouse
Emergency exit door in Area A loading dock, along the southeast wall was sealed shut with foam.
- f) 1 Eastern Rd warehouse
Emergency exit door in Area A, along the south corner wall was locked.
- g) 31 Eastern Rd warehouse
Emergency exit door along the southwest wall, by loading dock, was sealed shut with foam.
- h) 31 Eastern Rd warehouse
Emergency exit door along the southeast wall was padlocked from the outside.
- i) 101 Campus Drive warehouse
Emergency exit door in area A7 Door #3 was locked.

Violations observed on or about 3/15/2012, 4/26/2012, 4/30/12.

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: 281192
Inspection Date(s): 03/15/2012 - 09/07/2012
Issuance Date: 09/14/2012



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4900.00

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: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

a) 1 Eastern Rd warehouse

Pallets of materials restricted access route to 22 inches at exit door in Area A dock.

b) 1 Eastern Rd warehouse

Pallets of materials restricted access route to 14 inches in Area D southwest wall.

c) 1 Eastern Rd warehouse

Pallets of material restricted access route to 17 inches in Area B along the southeast wall.

Violation observed on or about 3/15/2012, 4/26/2012, & 4/30/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/21/2012

Proposed Penalty:

\$4900.00

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: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

a) 1 Eastern Rd. warehouse
Exit route in Area D by loading dock was blocked by palleted material.

b) 31 Eastern Rd warehouse
Exit route by main loading dock was blocked by palleted materials

c) 101 Campus Dr warehouse
Exit door was blocked by palleted material.

Violation observed on or about 3/15/12, 4/26/12, & 4/30/12.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/17/2012



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.37(b)(4): Signs were not posted along the exit access indicating the direction of travel to the nearest exit and exit discharge when the direction of travel to the exit or exit discharge was not immediately apparent:

a) 31 Eastern Rd warehouse
Exit signs were not posted directing employees to exit door locations.

b) 1 Eastern Rd warehouse
Exit signs were not posted directing employees to exit door locations.

Violations observed on or about 3/15/12, 4/26/12, 04/30/12.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/15/2012
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.37(b)(5): Each doorway or passage along an exit access that could be mistaken for an exit was not marked "Not an Exit" or similar designation, or be identified by a sign indicating its actual use (e.g. closet):

a) 1 Eastern Rd. warehouse

Doors located in break room where not labeled "not an exit."

Violation observed on or about 4/26/2012.

Date By Which Violation Must be Abated:
Proposed Penalty:

10/05/2012
\$2800.00



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.110(f)(2)(i): LP-Gas Containers were not stored in a manner to minimize exposure to excessive temperature rise, physical damage, or tampering by unauthorized persons:

a) 1 Eastern Rd warehouse

Propane forklift cylinders were left outside the warehouse in a location with heavy forklift traffic.

b) 31 Eastern Rd warehouse

Propane forklift cylinders were left outside in front of propane cage in a location with heavy forklift traffic.

c) 1 Eastern Rd warehouse

Propane forklift cylinders were left by warehouse supervisors desk in a location with heavy forklift traffic.

Violation observed on or about 04/26/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/28/2012

Proposed Penalty:

\$4900.00



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

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

29 CFR 1910.141(d)(1): Washing facilities were not maintained in a sanitary condition:

a) 1 Eastern Rd warehouse restrooms

Restrooms were observed to be unkept with garbage on the floor, uncleaned toilets & a lack of toilet paper.

Violations observed on or about 04/26/2012.

Date By Which Violation Must be Abated:	10/15/2012
Proposed Penalty:	\$3500.00



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.141(d)(2)(ii): Lavatories were not provided with hot and cold, or tepid running water:

a) 1 Eastern Rd warehouse

Restrooms only provided cold water for employees.

Violation observed on or about 3/15/2012.

Date By Which Violation Must be Abated:

10/15/2012



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.141(d)(2)(iv): Lavatories were not provided with individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean individual sections of continuous cloth toweling:

a) 1 Eastern Rd warehouse

Restrooms did not have a means to dry hands.

Violation observed on or about 04/26/2012.

Date By Which Violation Must be Abated:

09/21/2012



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse:

a) 1 Eastern Rd, 31 Eastern Rd, warehouses
Cocoa bean bags were stacked 4 tiers high (14feet) in an unstable manner.

Violation observed on or about 3/15/12, 4/26/12, & 5/4/2012.

b) 101 Campus Drive warehouse
Coffee bean bags were stacked 4 tiers high (14feet) in an unstable manner.

Violation observed on or about 4/30/12 & 05/4/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/29/2012
Proposed Penalty:	\$4900.00

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: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.178(m)(3): A safe place to ride was not provided where riding of trucks was authorized

a) 1 Eastern Rd warehouse

Employees working with super sacks were standing on the forks of a forklift while the forklift was moving.

Violation observed on or about 3/20/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/17/2012

Proposed Penalty:

\$4900.00



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.178(m)(5)(i): When powered industrial trucks were left unattended, load engaging means were not fully lowered, controls were not neutralized, power was not shut off, and brakes were not set:

a) 1 Eastern Rd warehouse

Forklift was left unattended while powered and with load raised.

b) 1 Easter Rd warehouse

Forklift was left unattended while powered and with forks raised.

Violation observed on or about 3/20/12 and 4/30/12.

Date By Which Violation Must be Abated:

09/21/2012

Proposed Penalty:

\$3500.00



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.178(p)(1): Where powered industrial trucks were found to be in need of repair, defective, or in any way unsafe, the trucks were not taken out of service until they had been restored to safe operating condition:

a) 1 Eastern Rd warehouse
Employees were operating fork lifts that were leaking hydraulic fluid

b) 1 Eastern Rd warehouse
Employees were operating forklift with unsecured propane tanks.

Violation observed on or about 4/26/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/15/2012
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

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) 101 Campus Drive warehouse

Employees operated compactor without interlock/guards in place.

Violation occurred on or about 4/30/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/15/2012

Proposed Penalty:

\$3500.00



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.303(g)(2)(i): Except as elsewhere required or permitted by Subpart S of Part 1910, live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the means identified in paragraphs (A), (B), (C), and (D) of 29 CFR 1910.303(g)(2)(i):

a) 101 Campus Drive warehouse

Employees operated bay doors by using door controls with live electrical wires exposed.

Violation occurred on or about 04/30/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/21/2012
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

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

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

a) 1 Eastern Rd & 31 Eastern Rd. warehouses

Employees handle hazardous chemicals including but not limited to propane gas without knowledge of its hazards.

b) 101 Campus Drive warehouse

Employees handle hazardous chemicals including but not limited to propane gas, hydraulic fluid & bleach without knowledge of their hazards.

Violations occurred on or about 04/30/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/29/2012
Proposed Penalty:	\$4900.00

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: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.1200(g)(1): The employer did not have a material safety data sheet in the workplace for each hazardous chemical in use:

a) 1 Eastern Rd & 31 Eastern Rd. warehouses

Employees handled hazardous chemicals including but not limited to propane gas without access to MSDSs.

b) 101 Campus Drive warehouse

Employees handled hazardous chemicals including but not limited to propane gas, ethylene glycol from hydraulic fluid & antifreeze & bleach without access to MSDSs.

Violations occurred on or about 04/30/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/29/2012



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

a) 1 Eastern Rd & 31 Eastern Rd. warehouses

Employees handled hazardous chemicals including but not limited to propane gas without training.

b) 101 Campus Drive warehouse

Employees handled hazardous chemicals including but not limited to propane gas, ethylene glycol & bleach without training.

Violations occurred on or about 04/30/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/29/2012



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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 employees in that employees were exposed to falls:

a) 1 Eastern Rd warehouse

Employees were lifted 10.5 ft onto a work platform by the forks of a forklift.

Violation occurred on or about 3/15/2012, 3/20/2012 and 4/26/2012.

b) 1 Eastern Rd warehouse

Employees were lifted up to 12 ft onto super sacks by the forks of a fork truck.

Violation occurred on or about 03/20/2012 and 3/20/2012.

Among methods, all of the following are feasible and acceptable means of abatement:

1. Use operator-up lift high lift truck designated to lift personnel in accordance with ANSI/ITSDF B56.1-2009 Safety Standard for Low Lift and High Lift Trucks, Section 4.17.1.

2. Provide ladder to access the work platform.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/17/2012

Proposed Penalty:

\$49000.00



Citation and Notification of Penalty

Company Name: Continental Terminals, Inc.

Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1 Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032

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

29 CFR 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent):

a) 1 Eastern Rd warehouse

Employees worked from a 10.5 foot high platform without guardrails.

Violation occurred on or about 3/15/12, 3/20/12, 4/26/12, 4/30/12, and 5/4/12.

b) 1 Eastern Rd warehouse

Employees worked from a work platform (i.e. super sack) up to 12 ft high without fall protection or guardrails.

Violation occurred on or about 3/20/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/17/2012

Proposed Penalty:

\$49000.00

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

Kris Hoffman
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: 973-263-1003 Fax: 973-299-7161



INVOICE / DEBT COLLECTION NOTICE

Company Name: Continental Terminals, Inc.
Inspection Site: River Terminal Development- South Kearny Industrial Complex, 3 bldgs: 1
Eastern Rd, 31 Eastern Rd, 101 Campus Dr., Kearny, NJ 07032
Issuance Date: 09/14/2012

Summary of Penalties for Inspection Number	281192
Citation 1, Serious	\$57400.00
Citation 2, Willful	\$98000.00
TOTAL PROPOSED PENALTIES	\$155400.00

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.

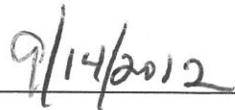
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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



Kris Hoffman

Area Director



Date