

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:
Contract Filling, Inc.
and its successors
10 Cliffside Dr.
Cedar Grove, NJ 07009

Inspection Number: 1021723
Inspection Date(s): 01/29/2015 - 07/21/2015
Issuance Date: 07/22/2015

Inspection Site:
10 Cliffside Dr.
Cedar Grove, NJ 07009

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 07/22/2015. The conference will be held by telephone or 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: 1021723

Company Name: Contract Filling, Inc.
Inspection Site: 10 Cliffside Dr., Cedar Grove, NJ 07009
Issuance Date: 07/22/2015

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, 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: Contract Filling, Inc.
Inspection Site: 10 Cliffside Dr., Cedar Grove, NJ 07009

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

29 CFR 1910.119(c)(1): The employer did not develop a written plan of action regarding the implementation of the employee participation required 29 CFR 1910.119:

a) Compounding Area

The employer had no written plan of action for employee participation in process safety management. Employees manufactured perfume and cologne using denatured alcohol, a flammable liquid. Processes occurring during the inspection included, but were not limited to pumping and mixing/agitation of flammable liquids. The quantity of flammable liquids in the process is 14,000lbs.

Violation occurred on or about 1/22/2015.

The employer shall consult with employees on the conduct and development of process hazards analyses and development of the other elements of process safety management.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/08/2015
Proposed Penalty:	\$6300.00



Citation and Notification of Penalty

Company Name: Contract Filling, Inc.
Inspection Site: 10 Cliffside Dr., Cedar Grove, NJ 07009

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 1910.119(d)(2)(i)(D): Process safety information pertaining to the technology of the process did not include the safe upper and lower limits for such items as flows:

a) Compounding Areas

The employer did not develop process safety information pertaining to the technology of the processes used by employees in the manufacture of perfume/cologne including the safe upper and lower limits for the transfer meter pump's flow rate.

Employees manufactured perfume/cologne using denatured alcohol, a flammable liquid. Processes occurring during the inspection included, but were not limited to, pumping and mixing/agitation of 14,000lbs of flammable liquids.

Violation occurred on or about 1/22/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/08/2015
Proposed Penalty:	\$6300.00



Citation and Notification of Penalty

Company Name: Contract Filling, Inc.
Inspection Site: 10 Cliffside Dr., Cedar Grove, NJ 07009

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

29 CFR 1910.119(d)(2)(i)(E): Process safety information pertaining to the technology of the process did not include an evaluation of the consequence of deviations, including those affecting the safety and health of employees:

a) Compounding Areas

The employer did not evaluate the consequences of deviation during transfer of flammable liquids from storage tanks to process vessels. Deviation during transfer could include overflow of process vessels.

Employees manufactured perfume/cologne using denatured alcohol, a flammable liquid. Processes occurring during the inspection included, but were not limited to, pumping and mixing/agitation of 14,000lbs of flammable liquids.

Violation occurred on or about 1/22/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/08/2015



Citation and Notification of Penalty

Company Name: Contract Filling, Inc.
Inspection Site: 10 Cliffside Dr., Cedar Grove, NJ 07009

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

29 CFR 1910.119(d)(3)(i)(B): Process safety information pertaining to the equipment in the process did not include the piping and instrumentation diagrams (P&IDs):

a) Compounding Area

The employer did not have the required P&IDs for the process equipment.

Employees manufactured perfumes/colognes using denatured alcohol, a flammable liquid. Processes occurring during the inspection included, but were not limited to, pumping and mixing/agitation of 14,000lbs of flammable liquids.

Violation occurred on or about 1/22/2015.

Information must be available for all equipment used in the manufacture of perfumes/cologne including, but not limited to, pumps, valves, mixers.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/08/2015
Proposed Penalty:	\$6300.00



Citation and Notification of Penalty

Company Name: Contract Filling, Inc.
Inspection Site: 10 Cliffside Dr., Cedar Grove, NJ 07009

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

29 CFR 1910.119(e)(1): The employer did not perform an initial process hazard analysis (hazard evaluation) on processes covered by 29 CFR 1910.119:

a) Compounding area

The employer did not perform an initial process hazard analysis on the covered process used by employees in the manufacture of perfume/cologne, including but limited to pumping and mixing/agitation of flammable liquids. The quantity of flammable liquid in the covered process is 14,000lbs.

Violation occurred on or about 1/22/2015.

Each process used in the manufacture of nail polish must receive a Process Hazard Analysis (PHA).

The PHA must be performed by a team with expertise in engineering and process operations. The team must include at least one employee with experience and knowledge specific to the process and one individual knowledgeable in the specific PHA methodology being used.

The PHA must be performed using a methodology such as What-If, Checklist, What-If/Checklist, Hazard and Operability Study, Failure Mode and Effects Analysis, Fault Tree Analysis or equivalent.

The PHA must address the hazards of the process, the identification of any previous incident which had a likely potential for catastrophic consequences in the workplace, engineering and administrative controls applicable to the hazards, consequences of failure of engineering and administrative controls, facility siting, human factors and possible safety and health effects of failure of controls on employees in the workplace.

The team's findings and recommendations must be promptly addressed and the corrective actions documented.

The PHA must be updated and revalidated by a team at least every five years.

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

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Company Name: Contract Filling, Inc.
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The PHA and updates/revalidations must be kept for the life of the process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/08/2015
Proposed Penalty:	\$6300.00

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: Contract Filling, Inc.
Inspection Site: 10 Cliffside Dr., Cedar Grove, NJ 07009

Citation 1 Item 5 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 the safety information and which address the elements listed in 29 CFR 1910.119(f)(1)(i) through (f)(1)(v):

a) Compounding Area

The employer did not develop and implement written operating procedures, including but not limited to, emergency shut down, temporary operations, and start up after emergency shutdown . Employees manufactured perfume/cologne using denatured alcohol, a flammable liquid. Processes occurring during the inspection included, but were not limited,pumping and mixing/agitation of flammable liquids. The quantity of the flammable liquids in the process is 14,000lbs.

Violation occurred on or about 1/22/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/08/2015
Proposed Penalty:	\$6300.00



Citation and Notification of Penalty

Company Name: Contract Filling, Inc.
Inspection Site: 10 Cliffside Dr., Cedar Grove, NJ 07009

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

29 CFR 1910.119(g)(1)(i): The employer did not train each employee involved in the operating process, in a overview of the process and in the operating procedures as specified in paragraph (f) of 29 CFR 1910.119:

a) Compounding areas

Employees manufactured perfume/cologne using alcohol, a flammable liquid, without receiving training in the general requirements of the process safety standard. Processes occurring during the time of the inspection included, but were not limited to, pumping, and mixing/agitation of flammable liquids. The quantity of flammable liquids in the process is 14,000lbs.

Violation occurred on or about 1/22/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/08/2015
Proposed Penalty:	\$6300.00



Citation and Notification of Penalty

Company Name: Contract Filling, Inc.
Inspection Site: 10 Cliffside Dr., Cedar Grove, NJ 07009

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

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

a) Compounding area

The employer did not establish and implement written mechanical integrity procedures for employees responsible for maintenance of process equipment, including but not limited to conservation vent/flame arrestor, as part of the safety system. Employees manufactured perfume/cologne, a flammable liquid. Processes occurring during the inspection includes, but were not limited to, pumping and mixing/agitation of flammable liquids. The quantity of the flammable liquids in the process is 14,000lbs.

Violation occurred on or about 1/22/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/08/2015
Proposed Penalty:	\$6300.00

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

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Citation and Notification of Penalty

Company Name: Contract Filling, Inc.
Inspection Site: 10 Cliffside Dr., Cedar Grove, NJ 07009

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

29 CFR 1910.147(c)(4)(i): Procedures were not utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

a) Line # 10

Employees were repairing main drive of Line #10 motor without locking out energy sources.

Violation observed on or about 2/11/2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6300.00


Kris Hoffman
Area Director

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