

## U.S. Department of Labor

Occupational Safety and Health Administration  
Houston South Area Office  
17625 El Camino Real, Suite 400  
Houston, TX 77058  
Phone: (281)286-0583 FAX: (281)286-6352



## Citation and Notification of Penalty

**To:**  
Duna USA, Inc

and its successors  
4210 FM 1405  
Baytown, TX 77523

**Inspection Site:**  
4210 FM 1405  
Baytown, TX 77523

**Inspection Number:** 312927312  
**Inspection Date(s):** 03/28/2011 - 07/12/2011

**Issuance Date:** 09/27/2011

*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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**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 page 4 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 violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. (Please see attached "**Corrective Action Verification.**")

**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.

## Corrective Action Verification

Dear Sir:

OSHA's inspections are intended to result in the abatement/correction of violations of the OSHA Act. To verify that this has been accomplished, Section 1903.19 requires that an employer *certify* to OSHA, within ten (10) days of the final abatement date that each item cited has been corrected.

This abatement certification letter must include the following:

Name of Employer

OSHA Inspection Number

Citation and Stem Numbers to which the submission relates

The date each item was abated, specific action taken to abate each violation and appropriate documentation for the action taken. Where appropriate, this documentation should include photographs, work orders, purchase orders, personal protective equipment provided, standard operation procedures, copies of written programs, engineering controls, monitoring data, etc. Adequate supporting documentation may allow us to close the case file. **The lack of adequate documentation could result in a follow-up inspection.**

A statement that affected employees and their representatives have been informed of the abatement actions

A statement that the information submitted is accurate

The signature of the employer or the employer's authorized representative

Following is a sample format that may be used for this submittal:

Name of Employer

<u>Citation</u> <u>Number</u>	<u>Item No.</u> <u>Instance No.</u>	<u>Date Item</u> <u>Abated</u>	<u>Corrective</u> <u>Action Taken</u>
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Date this letter of submission posted \_\_\_\_\_

I certify that the information submitted is correct.

\_\_\_\_\_  
Employer or Authorized Representative



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on \_\_\_\_\_ 0912712011. The conference will be held at the OSHA office located at Houston South Area Office, 17625 El Camino Real, Suite 400, Houston, TX, 77058 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.





## **Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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

29 CFR 1910.119(e)(5): The employer did not establish a system to promptly address PHA findings and recommendations and failed to assure that the recommendations from the PHA conducted in 2006 were resolved in a timely manner and that the resolution is documented:

- a) On or about April 12, 2011, the employer did not address the PHA recommendation to consider installing a level gauge on the pentane tank (vessel E1) to monitor tank level.
- b) On or about April 12, 2011, the employer did not address the PHA recommendation to consider establishing a fire brigade with a training program for cyclopentane and other site hazards.
- c) On or about April 12, 2011, the employer did not address the PHA recommendation to consider providing security awareness training to prevent potential sabotage or terrorist event on the propane system.
- d) On or about April 12, 2011, the employer did not address the PHA recommendation to consider developing and implementing a contractor and visitor safety orientation program.
- e) On or about April 12, 2011, the employer did not address the PHA recommendations to consider locking valves in the pentane piping system in desired positions.
- f) On or about April 12, 2011, the employer did not address the recommendation to consider implementing a site mechanical integrity program to include tanks, piping, valves, and components.
- g) On or about April 12, 2011, the employer did not address the recommendation to consider including electrical grounding of the Pentane Tank (vessel E1) in the site mechanical integrity program.
- h) On or about April 12, 2011, the employer did not address the recommendation to consider providing a safeguard to alert operators when the ventilation system above the laminator fails.

Date By Which Violation Must be Abated: 10/31/2011  
Proposed Penalty: \$ 6300.00



**Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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

29 CFR 1910.119(e)(6): The employer did not ensure that at least every five (5) years after completion of the initial process hazard analysis, the process hazard analysis shall be updated and revalidated by a team meeting the requirements in paragraph (e)(4) to assure that the process hazard analysis is consistent with the current process.

This violation occurred on or about April 12, 2011 at the DUNA USA Baytown Texas facility, when the company did complete revalidation of the process hazard analysis for the process. During the time the current inspection of DUNA USA, the required revalidation of the PHA had not occurred. As of July 28, 2011 revalidation of the March 2006 PHA had not occurred.

*Date By Which Violation Must be Abated:* 10/31/2011  
*Proposed Penalty:* \$ 6300.00

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

29 CFR 1910.119(g)(1)(i): The einployer did not train each employee presently involved in operating the process in an overview of the process.

This violation occurred on or about April 12, 2011 at the DUNA USA facility in Baytown Texas, when persons involved in setup and operation of the foaming process did not receive process overview training prior to being required to operate the process.

This overview training includes the hazards of the process, chemicals in the process, protective measures in place, and other general information about the process.

*Date By Which Violation Must be Abated:* 10/31/2011  
*Proposed Penalty:* \$ 4500.00



## **Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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

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

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

This violation was observed on or about April 12, 2011 in the production area and other sections of the facility that contain components of the covered process or equipment that could influence the integrity of the process at the DUNA USA Baytown facility, when the employer did not establish and implement written procedures to maintain the mechanical integrity of process equipment, including but not limited to piping, reactor and catalyst vessels.

Date By Which Violation Must be Abated: 10/31/2011  
Proposed Penalty: \$ 6300.00



## **Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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

29 CFR 1910.119(j)(4)(i): The employer failed to assure that inspections and tests shall be performed on process equipment.

This violation was observed on or about April 12, 2011 in the production area and other sections of the facility that contain components of the covered process or equipment that could influence the integrity of the process at the DUNA USA Baytown facility, when the employer failed to inspect process equipment, such as piping, reactor and catalyst vessels, and other equipment to identify deficiencies and have them corrected to assure the integrity of the process is maintained.

Date By Which Violation Must be Abated:

10/31/2011



## **Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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

29 CFR 1910.119(j)(5): The employer did not ensure that deficiencies in equipment that are outside acceptable limits [as defined by process safety information in 29 CFR 1910.119(d)] were corrected before further use or in a safe and timely manner when necessary means were taken to assure safe operation:

- a) This violation was observed on or about April 12, 2011, in the production area where pipe supports on process piping that convey catalyst and reactants that are utilized in the process were observed to be damaged and/or not properly installed.
- b) This violation was observed on or about April 12, 2011, in the production area where Incomplete bolting of flanges on process vessel RB2 were observed.
- c) This violation occurred on or about April 12, 2011, in the production area where the battery for the emergency shutdown system was not in service during the process run and the process had been run for several months with the deficiency in the emergency system. Although the battery is not a fluid containing or conveying element of the process, it is a critical component of the safety shutdown system and as such should have its deficiencies corrected in a timely manner. The plant manager indicated the system was operated with the backup battery issue for over six months because the battery needed to be replaced.
- d) This violation was observed on or about June 3, 2011, in the production area near the pentane tank, where pipe supports on process piping that conveys pentane were observed to be damaged and/or not properly installed.
- e) This violation was observed on or about June 3, 2011, in the production area near the pentane tank, where open-ended valves were found to not have plugs and/or caps installed to prevent release of pentane due to leakage of pentane past the valve.

**Date By Which Violation Must be Abated:** 10/31/2011  
**Proposed Penalty:** \$ 6300.00



## Citation and Notification of Penalty

Company Name: Duna USA, Inc  
Inspection Site: 4210 FM 1405, Baytown, TX 77523

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

29 CFR 1910.119(k)(1): The employer did not issue a hot work permit for work operations conducted on or near a covered process:

In the production department, on or about March 28, 2011, and at times prior thereto, the employer did not issue a hot work permit where an employee welded on angle iron and a film frame six feet away from an iso/cyclopentane pump, exposing employees to fire hazards.

Date By **which** Violation Must be Abated: 10/01/2011  
Proposed Penalty: \$ 4500.00

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

29 CFR 1910.119(l)(1): The employer failed to establish and implement written procedures to manage changes (except for "replacement in kind") to process chemicals, technology, equipment, and procedures; and changes to facilities that affect a covered process.

This violation occurred on or about June 3, 2011 when the piping on the Iso/Cyclopentane vessel at the DUNA USA Baytown facility was changed to include components (including a level gauge) that previously were not part of the system. In making this change, the method by which the inventory of the vessel is determined was altered and an undocumented change to the system was introduced. The MOC process was not adhered to and written notification of the change was not given the affected employees. Training for employees affected by the change did not occur. The MOC process was circumvented and proper documentation of the change did not occur. The process safety information for the system has not been updated to reflect the change(s) and employees who are affected by the change are exposed to hazards that could have been introduced.

Date By **which** Violation Must be Abated: 11/14/2011  
Proposed Penalty: \$ 6300.00

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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:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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

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

This violation occurred on or about April 12, 2011, at the DUNA USA facility in Baytown, Texas when the employer did not establish an emergency action plan for the facility.

Date By Which Violation Must be Abated: 10/31/2011  
Proposed Penalty: \$ 4500.00

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

29 CFR 1910.119(o)(1): The employer did not evaluate and certify their compliance with the PSM Standard at least every three years to verify that procedures and practices developed under the standard are adequate and are being followed.

- a) This violation occurred on or about April 12, 2011 at the DUNA USA Baytown Texas facility, when the employer did not conduct PSM audits at least every three years to certify that procedures and practices developed under the PSM standard are adequate and are being followed.

Records supplied by DUNA USA indicate an Audit was conducted in December 2010. Prior to the 2010 compliance audit, DUNA documentation indicates a PSM Audit was conducted in December 2005. The period of time between the two PSM audits exceeded the allowable interval of three years.

- b) This violation occurred on March 28, 2011 when the employer failed to certify that it had evaluated compliance with the provisions of 29CFR 1910.119 in the 2010 Compliance Audit.

Date By Which Violation Must be Abated: 10/31/2011  
Proposed Penalty: \$ 4500.00

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**Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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

29 CFR 1910.119(o)(4): The employer did not promptly determine and document an appropriate response to each of the findings of the compliance and document that deficiencies have been corrected:

On or about March 28, 2011 at the DUNA USA Baytown Texas facility, the employer did not resolve findings from the 2005 and 2010 Compliance Audits. Outstanding items from the Audit of 2005 left unresolved included, but were not limited to: Emergency Action Plan, Mechanical Integrity Program, and electrical classification. These items were found unresolved in the 2010 Audit and continued to be unresolved during this inspection. The condition exposed employees to fire and explosion hazards.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 4500.00

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

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE):

Production department; on or about April 12, 2011, employees did not wear head protection while suspending and aligning the film frame overhead, exposing employees to struck by hazards.

Date By Which Violation Must be Abated:	10/31/2011
Proposed Penalty:	\$ 2700.00



**Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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**Citation 1 Item 14** Type of Violation: **Serious**

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

On or about March 28, 2011, and times prior thereto at the fabrication department Donaldson Torit dust collector, the employer did not evaluate the workplace to determine if spaces were permit-required confined spaces.

Date By Which Violation Must be Abated: 10/31/2011  
Proposed Penalty: \$ 4500.00

**Citation 1 Item 15** Type of Violation: **Serious**

29 CFR 1910.146(c)(4): When the employer decided that its employees would enter permit spaces, the employer did not develop and implement a written permit space entry program that complied with 29 CFR 1910.146:

Fabrication department; on or about March 28, 2011, the employer did not develop and implement a written confined space permit program for entrance into the Donaldson Torit dust collector.

Date By Which Violation Must be Abated: 10/31/2011  
Proposed Penalty: \$ 4500.00



**Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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**Citation 1 Item 16** Type of Violation: **Serious**

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146, confined spaces, acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned:

Fabrication department; on or about March 28, 2011, the employer did not train employees on confined space entry where employees entered into the dust collector.

Date By Which Violation Must be Abated: 10/31/2011  
Proposed Penalty: \$ 4500.00

**Citation 1 Item 17** Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(ii): The energy control procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, including, but not limited to items (a) through (d) of this section:

Production department; on or about March 29th, 2011 and at times prior to, the employer did not develop procedures that clearly and specifically outline the specific procedural steps necessary to control hazardous energy, for equipment including, but not limited to, the bun stock foam machine, exposing employees to caught-in hazards.

Date By Which Violation Must be Abated: 10/31/2011  
Proposed Penalty: \$ 6300.00

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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:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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**Citation 1 Item 18** 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:

Production department; March 29th, 2011, the employer did not ensure that a portable eye wash station at the catalyst area contained unexpired, sterile fluid with which to perform a 15 minute flush, exposing employees to contact hazards. Polycat 8 catalyst has the potential to cause severe eye burns and corneal edema.

Date By Which Violation Must be Abated: 10/11/2011  
Proposed Penalty: \$ 2700.00

**Citation 1 Item 19** Type of Violation: **Serious**

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

Production department; on March 30, 2011, a portable fire extinguisher was blocked by a druin rack and not readily accessible to employees. The fire extinguisher was on the floor, in the aisle on the left side of the bunstock machine, exposing employees to fire hazards.

Date By Which Violation Must be Abated: 10/31/2011  
Proposed Penalty: \$ 3600.00



## **Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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

### **Citation 1 Item 20a Type of Violation: **Serious****

29 CFR 1910.178(a)(4): Modifications or additions which affect capacity and safe operation of powered industrial truck were performed by the employer without the manufacturer's prior written approval:

On or about April 12, 2011, an employee operated a Toyota 7FGU15 forklift with a Vestil LM-IT-4 boom attachment, and the truck was not marked to identify the attachment, the weight of the attachment, and the maximum elevation and capacity when the attachment was used, exposing employees to struck-by hazards.

**Date By Which Violation Must be Abated:** 10/21/2011  
**Proposed Penalty:** \$ 4500.00

### **Citation 1 Item 20b Type of Violation: **Serious****

29 CFR 1910.178(a)(5) When a powered industrial truck was equipped with a front-end attachment other than factory installed attachments, the truck was not marked to identify the attachments and show the approximate weight of the truck and attachment combination at maximum elevation with load laterally centered:

On or about April 12, 2011, an employee operated a Toyota 7FGU15 forklift with a Vestil LM-IT-4 boom attachment, and the truck was not marked to identify the attachment, the weight of the attachment, and the maximum elevation and capacity when the attachment was used, exposing employees to struck-by hazards.

**Date By Which Violation Must be Abated:** 10/21/2011

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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:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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**Citation 1 Item 21** Type of Violation: **Serious**

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation as specified in paragraph (I):

At the facility; on or about March 28, 2011, employees operated a Toyota forklift, model #7FCU15, 7FGU32 without proper training and certification, exposing employees to struck-by hazards.

Date By Which Violation Must be Abated: 10/31/2011  
Proposed Penalty: \$ 2700.00

**Citation 1 Item 22** Type of Violation: **Serious**

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by the slitter machine.

In the fabrication department, on or about April 28th, 2011, the employer did not guard portions of the slitter blade on the ISTech slitter machine, model UST 1600x500, exposing employees to struck-by hazards.

Date By Which Violation Must be Abated: 10/31/2011  
Proposed Penalty: \$ 4500.00



**Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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**Citation 1 Item 23** Type of Violation:  **Serious**

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven feet or less above floors or platforms were not enclosed:

In the production department, on or about April 28, 2011, the employer did not ensure that sprocket and chain drives on the bun stock foam machine were guarded, exposing employees to caught-in hazards.

Date By Which Violation Must be Abated: 10/07/2011  
Proposed Penalty: \$ 4500.00

**Citation I Item 24** Type of Violation:  **Serious**

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i.:

Production and fabrication departments, on or about April 29, 2011, employees used compressed air to blow polyurethane foam dust off of their clothing, air pressures exceeding 30 psi, exposing employees to contact hazards, using compressed air from compressor with set pressure of approximately 90 psi.

Date By Which Violation Must be Abated: 10/11/2011  
Proposed Penalty: \$ 3600.00



## **Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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### **Citation 1 Item 25 Type of Violation: **Serious****

29 CFR 1910.252(a)(1)(ii): When the object to be welded or cut could not be moved and all the fire hazards could not be removed, guards were not used to confine the heat, sparks, and slag to protect the immovable fire hazards:

In the production department, on or about March 28, 2011, and at times prior thereto, an employee welded on angle iron and a film frame six feet away from an isocyclopentane pump, exposing employees to fire hazards.

Date By Which Violation Must be Abated: 10/03/2011  
Proposed Penalty: \$ 4500.00



## **Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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### **Citation 1 Item 26 Type of Violation: **Serious****

29 CFR 1910.307(b): The employer did not properly document all areas designated as hazardous (classified) locations under the Class and Division system established after August 2007 and make the documentation available to those authorized to design, install, inspect, maintain, or operate electric equipment at the location. PSM Compliance Audits that were conducted in 2005 and 2010 called for the employer to document the electrical classification of the PSM covered system.

- a) This violation occurred on or about March 28, 2011 at the DUNA USA Baytown Texas facility, when the employer did not document the electrical classification of the process facility, including but not limited to areas where the process stores, conveys, and combine (with other chemicals) pentane and methyl-chloride.

PSM Compliance audits that were conducted in 2005 and 2010 to ensure the effectiveness of the facility PSM called for DUNA USA to document the electrical classification of the PSM-covered system. The employer did not established the area classifications and has exposed employees to hazards that can cause serious injury and death.

Date By Which Violation Must bc Abated: 11/14/2011  
Proposed Penalty: \$ 4500.00



## **Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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### **Citation 1 Item 27 Type of Violation: **Serious****

29 CFR 1910.1052(d)(2): The employer did not perform initial exposure monitoring to determine each affected employee's exposure:

Production area; on or about April 29, 2011, the employer did not conduct initial exposure monitoring to determine the production manager, wing man, production workers, and production helpers exposure to methylene chloride during foam spray, exposing employees to inhalation hazards.

Date By Which Violation Must be Abated: 10/11/2011  
Proposed Penalty: \$ 4500.00

### **Citation 1 Item 28 Type of Violation: **Serious****

29 CFR 1910.1052(h): Where needed to prevent methylene chloride-induced skin or eye irritation, the employer did not provide clean protective clothing and equipment which is resistant to methylene chloride, at no cost to the employee, and did not ensure that each affected employee uses it.

Production Department; on or about March 29th, 2011, the employer did not select and require employees to use appropriate hand protection when employees cleaned the mixer head and changed the mixer head hose, exposing employees to methylene chloride contact hazards.

Date By Which Violation Must be Abated: 10/31/2011  
Proposed Penalty: \$ 3600.00



**Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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**Citation 1 Item 29** Type of Violation: **Serious**

29 CFR 1910.1200(h)(1): The employer did not provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new physical or health hazard the employees have not previously been trained about is introduced into their work area:

In the production and fabrication departments, on or about March 28, 2011, employees were not provided effective training on hazardous chemicals including, but not limited to, methyl bisphenyl isocyanate, methylene chloride, propylene glycol, and dimethyl formamide, exposing employees to inhalation and contact hazards.

Date By Which Violation Must be Abated:	10/21/2011
Proposed Penalty:	\$ 4500.00



**Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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

**Citation 2 Item 1a** Type of Violation: **Other**

CFR1910.37(b)(2): Each exit must be clearly visible and marked by a sign reading "Exit."

Production department; on March 29, 2011, the exit access door next to the wire cutting machine was not marked "exit", exposing employees to a fire hazard.

Date By Which Violation Must be Abated: 10/31/2011  
Proposed Penalty: \$ 0.00

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

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

a) Production department; on or about 3/29/11, the lunch/break room access door was not marked "not an exit", exposing employees to a fire hazard.

b) Production department; on or about 3/29/11, the bathroom access door was not marked "not an exit", exposing employees to a fire hazard.

Date By Which Violation Must be Abated: 10/31/2011



**Citation and Notification of Penalty**

**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523

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

29 **CFR** 1910.157(c)(4): Portable fire extinguishers were not maintained in a fully charged and operable condition:

In the area above the laboratory, a portable fire extinguisher was not fully charged, exposing employees to a fire hazard.

Date By **which** Violation Must **be** Abated: 10/03/2011  
Proposed Penalty: \$ 0.00

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

29 **CFR** 1910.157(g)(1): An educational program was not provided for all employees to familiarize them with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting:

At the facility; March 30, 2011, the employer did not provide employees with fire extinguisher training where employees are expected to fight small fires, exposing employees to fire hazards.

Date By **which** Violation Must **be** Abated: 10/31/2011  
Proposed Penalty: \$ 0.00

  
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MARK R. BRIGGS  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Houston South Area Office  
17625 El Camino Real, Suite 400  
Houston, TX 77058  
Phone: (281)286-0583 FAX: (281)286-6352



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Duna USA, Inc  
**Inspection Site:** 4210 FM 1405, Baytown, TX 77523  
**Issuance Date:** 09/29/2011

*Summary of Penalties for Inspection Number 312927312*

<b>Citation 1, Serious</b>	= \$	<b>136800.00</b>
<b>Citation 2, Other</b>	= \$	<b>0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>136800.00</b>

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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 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 4%. 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.

  
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Mark R. Briggs  
Area Director

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Date 9/27/2011