

U.S. Department of Labor
Occupational Safety and Health Administration
1033 La Posada
Suite 375
Austin, TX 78752
Phone: 512-374-0271 Fax: 512-374-0086



Citation and Notification of Penalty

To:
Laboratory Tops, Inc., dba Durcon Incorporated
and its successors
206 Allison Drive
Taylor, TX 76574

Inspection Number: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
Issuance Date: 04/12/2017

Inspection Site:
206 Allison Drive
Taylor, TX 76574

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 04/12/2017. The conference will be held by telephone or at the OSHA office located at 1033 La Posada, Suite 375, Austin, TX 78752 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1183671

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574
Issuance Date: 04/12/2017

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, 1033 La Posada, Suite 375, Austin, TX 78752**

Citation Number 1 and Item Number 1a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 1b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 2 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 3 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 4 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 5 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 6a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 6b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 7a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 7b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 8 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 9 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 10 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 11 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 12a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 12b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 12c was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 12d was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 13 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 14a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 14b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 14c was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 15 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 16a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 16b was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 1 was corrected on _____
By (Method of Abatement): _____

Citation Number 3 and Item Number 1a was corrected on _____
By (Method of Abatement): _____

Citation Number 3 and Item Number 1b was corrected on _____
By (Method of Abatement): _____

Citation Number 3 and Item Number 1c 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: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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 1 a Type of Violation: **Serious**

29 CFR 1910.95(g)(8)(ii)(B): When standard threshold shifts occurred, the employer did not ensure that employees already using hearing protectors were refitted and retrained in the use of hearing protectors and/or provided with hearing protectors offering greater attenuation if necessary.

On or about 13 October 2016, employees working in the fabrication, and casting departments of the plant who had experienced standard threshold shifts were not refitted and retrained on the correct way to wear hearing protection, such as foam hearing plugs, exposing employees to the hazard of excessive noise.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$9054.00

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

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Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.95(g)(8)(ii)(C): The employer did not refer the employee for a clinical audiological evaluation or an otological examination, as appropriate, when additional testing was necessary.

On or about 13 October 2016, employees who had experienced a standard threshold shift in one and/or both ears did not receive additional testing, exposing employees to the hazard of excessive noise.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/26/2017

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

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Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.132(a): Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, were not used or maintained in a sanitary and reliable condition wherever it was necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner that caused injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

On or about 13 October 2016, in the casting department of the facility, employees that were conducting mixing, pouring and stripping activities were not provided with effective personal protective equipment when exposed to chemicals such as but not limited to phthalic anhydride, and Epoxy Curing Agent (ECA), exposing them to dermal hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$5432.00

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

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

Inspection Number: 1183671
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Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

Citation 1 Item 3 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):

On or about 13 October 2016, in the casting and fabrication department, the employer did not effectively assess the hazards the employees were exposed to when cutting phenolic resin board, mixing and applying cold patch and/or tank cleaning operations, exposing employees to dermal hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$5432.00

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Occupational Safety and Health Administration

Inspection Number: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
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Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.134(a)(2): A respirator was not provided by the employer to each employee when such equipment was necessary to protect the health of the employeeundefined :

On or about 11 January 2017, and at times prior thereto, employees performing sanding and gluing operations in the fabrication department were not provided with an effective means of respiratory protection when exposed to excessive amounts of respirable silica dust, exposing employees to an inhalation hazard.

For instance: An employee working in the hand sanding area of fabrication was exposed to 1.1 MG/m³ during 472 minutes of work. This exposure is 5 times the calculated permissible exposure limit (PEL).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/13/2017
Proposed Penalty:	\$12675.00

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

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

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Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.134(d)(3)(iii)(B)(2): Where there was no ESLI appropriate for conditions in the employer's workplace, the employer did not implement a change schedule for canisters and cartridges that was based on objective information or data that will ensure that canisters and cartridges are changed before the end of their service life. The employer did not describe in the respirator program the information and data relied upon for the basis for the canister and cartridge change schedule and the basis for reliance on the data:

On or about 13 October 2016, where employees in the casting department were using full face respirators for their respiratory protection when conducting mixing and pouring operations, the employer did not implement an effective cartridge change schedule, exposing employees to respiratory hazards. Results for sampled employee(s) showed exposure levels up to 1.2 times the permissible exposure limit to phthalic anhydride.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$9054.00

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

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

Inspection Number: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
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Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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 1910.134(f)(2): The employer did not ensure that all employees using tight-fitting facepiece respirator were fit tested prior to initial use of the respirator, and/or whenever a different respirator facepiece (size, style, model or make) was used, and at least annually thereafter.

On or about 13 October 2016, employees were provided half face, tight-fitting respirators to perform sanding and sawing operations in the fabrication department without the employer fit testing prior to them working, exposing employees to an inhalation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$12675.00

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

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

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Issuance Date: 04/12/2017



Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.134(m)(2)(i): The employer did not establish a record of the qualitative and quantitative fit tests administered to an employee.

On or about 13 October 2016, the employer did not effectively maintain fit test records of employees wearing respirators while working in the casting, maintenance and fabrication departments of the facility.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/26/2017

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: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
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Citation and Notification of Penalty

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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 7 a Type of Violation: **Serious**

29 CFR 1910.134(g)(1)(i)(A): The employer did not ensure that Facial hair that comes between the sealing surface of the facepiece and the face or that interferes with valve function was shaved.

On or about 13 October 2016, where employees in the casting department and fabrication department were using respirators when conducting mixing, pouring and stripping activities, the employer did not effectively enforce the absence of facial hair, exposing employees to respiratory hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$12675.00

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

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

Inspection Number: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
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Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.134(g)(1)(ii): The employer did not ensure that employees wearing corrective glasses, goggles or other personal protective equipment, does not interfere with the seal of the facepiece to the face of the user.

On or about 13 October 2016, employees in the casting department conducting mixing, pouring and stripping activities were wearing balaclavas/ski masks beneath their respirators preventing a proper seal, and exposing employees to an inhalation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/26/2017

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: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
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Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.134(k)(1)(vi): The employer did not train employees to recognize medical signs and symptoms that may limit or prevent the effective use of respirators.

On or about 13 October 2016, employees in the casting department conducting mixing, pouring and stripping activities were not aware that signs of respiratory illnesses such as but not limited to, coughing, running nose and painful breathing can limit or prevent the effective use of respirators.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$9054.00

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

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

Inspection Number: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
Issuance Date: 04/12/2017



Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.138(a): The employer did not require employees to use appropriate hand protection when employees' hands are exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes:

On or about 13 October 2016, the employer did not effectively ensure and enforce the use of appropriate hand protection for employees using hazardous chemicals such as paint thinner and cold patch in the fabrication department, exposing employees to dermal hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/26/2017
\$7243.00

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

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

Inspection Number: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
Issuance Date: 04/12/2017



Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.1000(a)(2): Employee(s) were exposed to an airborne concentration of Phthalic Anhydride listed in Table Z-1 in excess of the 8 hour Time Weighted Average concentration of 12mg/m³ or 2PPM:

On or about 11 January 2017, employees working in the pouring area of the casting department were exposed to phthalic anhydride at levels that were 1.2 times the permissible exposure limit of 12Mg/M³ or 2 PPM, exposing employees to an inhalation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$12675.00

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: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.1000(e): Feasible administrative or engineering controls are were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

a) On or about 11 January 2017, employee(s) working in the pouring area of the casting department were exposed to phthalic anhydride at an 8-hour Time Weighted Average of 15.82mg/m³, which is approximately 1.3 times the Permissible Exposure Limit of 12Mg/M³ or 2 PPM. The exposure level is derived from a sample collected over a 447 minute period and the calculations include a zero value for the 33 minutes not sampled.

b) On or about 11 January 2017 and at times prior thereto, an employee working in the hand sanding areas of the fabrication department was exposed to respirable dust containing 47% crystalline silica (quartz) at an 8-hour Time Weighted Average of 1.036mg/m³, which is approximately 5 times the Permissible Exposure Limit of 0.2041mg/m³. The exposure level is derived from a sample collected over a 472 minute period and the calculations include a zero value for the 8 minutes not sampled.

General methods of control applicable in this circumstance include, but are not limited to the following:

- 1) Install proper engineering controls such as enclosing the mixing and pouring operations.
- 2) Install local exhaust such as fume hoods over the pouring process which have the highest exposures.
- 3) Carefully evaluate administrative controls if they are re considered an option. An example would be to limit the number of employees accessing this area from other departments that are not trained to recognized the specific and unique hazards presented in the casting area.
- 4) Employees that are previously sensitized may not get respite from rotation. Consider other chemicals in the work area that are both dermal and respiratory sensitizers.
- 5) Consider chemicals that have similar organ toxicities to eliminate possible additive, potentiating and synergistic effects.
- 6) Carefully evaluate and monitor employees that have health conditions that may increase their susceptibility to chemicals such as but not limited to phthalic anhydride.
- 7) Some OSHA PELs are antiquated and not very protective. Current exposure data suggests that lower exposures to phthalic anhydride can still produce acute and chronic respiratory effects. The employer has employees that work 12 hours shifts. The 8 hour TWA may not be protective for such employees unless the employer chooses to adjust the exposure limit downwards to effectively characterize the risk and have a more accurate hazard assessment. It is highly recommended to follow the annotated Z

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tables on the OSHA website.

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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 12 a Type of Violation: **Serious**

29 CFR 1910.1020(g)(1)(i): The employer did not inform current employees about the existence, location, and availability of any records covered by this section:

On or about 13 October 2016, in the production area, the employer did not accurately and effectively provide the results of exposure monitoring to employees who had participated in the annual exposure monitoring assessment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$5432.00

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

29 CFR 1910.1020(g)(1)(ii): The employer did not inform current employees about the person responsible for maintaining and providing access to records:

On or about 13 October 2016, where employees working in the fabrication and casting departments had participated in exposure monitoring and received annual audiograms, the employer did not inform employees who would provide them with those records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/26/2017

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Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.1020(g)(1)(iii): The employer did not inform current employees about each employee's rights of access to these records

On or about 13 October 2016, employees working in the fabrication and casting departments were not informed that they were entitled to review and have copies of their medical and exposure monitoring records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/26/2017

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: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
Issuance Date: 04/12/2017



Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.1020(g)(2): The employer did not have a copy of this section and its appendice:

On or about 13 October 2016, the employer did not have a copy of this standard, and/or this section and appendice in the company's Occupational Safety and Health Program.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/26/2017

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: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
Issuance Date: 04/12/2017



Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.1048(d)(1)(i): The employer did not monitor employees to determine their exposure to formaldehyde.

On or about 13 October 2016, near the sinks area of the casting department, the employer did not assess and/or determine the levels of formaldehyde employee(s) may be exposed to when cutting phenolic resin board, exposing them to an inhalation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$5432.00

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

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

Inspection Number: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
Issuance Date: 04/12/2017



Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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 14 a Type of Violation: **Serious**

29 CFR 1910.1200(e)(1)(ii): The employer did not include the methods by which the employer will use to inform employees of the hazards of non-routine tasks:

On or about 13 October 2016, in the fabrication department, specific procedures of informing employees who were cutting phenolic resin board and mixing "cold patch" of the hazards associated with chemicals such as, but not limited to formaldehyde and phthalic anhydride were not covered in the employer's hazard communication program, exposing employees to an inhalation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$7243.00

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

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

Inspection Number: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
Issuance Date: 04/12/2017



Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.1200(e)(2)(i): The methods the employer will use to provide the other employer(s) on-site access to safety data sheets for each hazardous chemical the other employer(s)' employees may be exposed to while working:

On or about 13 October 2016, contract employees conducting repairs and renovations of the mixing systems in the casting department were not provided with information regarding the hazardous chemicals they may be exposed while working on the property, exposing them to respiratory and dermal hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/26/2017

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: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
Issuance Date: 04/12/2017



Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.1200(e)(2)(iii): The employer's hazard communication program did not include methods the employer will use to inform the other employer(s) of the labeling system used in the workplace.

On or about 13 October 2016, contract employees conducting repairs and renovations of the mixing systems in the casting department were not provided with information regarding the labels used on chemicals they may encounter while working at the plant.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/26/2017

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: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
Issuance Date: 04/12/2017



Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.1200(f)(6): Workplace labeling. The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked as required:

- a) On or about 13 October 2016, sand hoppers and tanks containing resin and ECA were not properly and effectively labeled as to identify the contents of the container, exposing employees to hazards such as, but not limited to inhalation and dermal contact.

- b) On or about 13 October 2016, employees working in the packing area of the fabrication and casting departments were using portable containers that were not labeled to transfer chemicals such as but not limited to pigment, glue and paint thinner for use by other employees working in the area, exposing employees to hazards such as, but not limited to inhalation, dermal contact.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$7243.00

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: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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 16 a Type of Violation: **Serious**

29 CFR 1910.1200(h)(3)(iii): The employer did not inform the employees the measures they would take to protect themselves from hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used:

On or about 13 October 2016, employees working in the casting and fabrication departments were not effectively notified of the methods they would use to protect themselves from respiratory and dermal hazards such as those presented by working with Phthalic Anhydride, Phenolic Resin Boards and Silica Sand.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$10864.00

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

Inspection Number: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
Issuance Date: 04/12/2017



Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.1200(h)(3)(iv): The employee training did not include the details of the hazardous communication program developed by the employer, including an explanation of labels received on shipped containers and the work place labeling system used by their employer, and the safety data sheet, including the order of information and how the employees can obtain and use the appropriate hazard information:

On or about 13 October 2016, the employer did not train employees in the casting and fabrication departments on the new labeling system and the new safety data format that was adopted by the Hazard Communication Standard of 2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **04/26/2017**

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: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
Issuance Date: 04/12/2017



Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.1000(c): Employee(s) were exposed to silica, crystalline quartz (respirable) listed in Table Z-3, in excess of 10 mg/m³ / %SiO₂ + 2 as an 8 hour Time-Weighted Average concentration:

On or about 11 January 2017 and at times prior thereto, employee(s) working in the hand sanding areas of the fabrication department were exposed to respirable dust containing 47% crystalline silica (quartz) at an 8-hour Time Weighted Average of 1.036mg/m³, which is approximately 5 times the Permissible Exposure Limit of 0.2041mg/m³. The exposure level is derived from a sample collected over a 472 minute period and the calculations include a zero value for the 8 minutes not sampled.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$126749.00

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: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

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

29 CFR 1904.10(a): Basic requirement. When the employee's hearing test (audiogram) revealed that the employee(s) had experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level was 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, the employer did not record the case on the OSHA 300 Log:

On or about 13 October 2016, the employer did not record the employee's occupational hearing loss cases that qualified as OSHA recordable standard threshold shifts into the 300 logs.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2017
Proposed Penalty:	\$1811.00

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

Inspection Number: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
Issuance Date: 04/12/2017



Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.95(g)(8)(i): The employer did not inform the employee in writing within 21 days of the determination that a comparison of the annual audiogram to the baseline audiogram indicated a standard threshold shift, as defined in 29 CFR 1910.95(g)(10) had occurred.

On or about 13 October 2016, employees who had experienced a standard threshold shift in one and/or both ears were not informed in writing.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/26/2017

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: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
Issuance Date: 04/12/2017



Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

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

29 CFR 1910.95(e): The employer did not notify each employee exposed at or above an 8-hour time-weighted average of 85 decibels of the results of the monitoring.

On or about 13 October 2016, the employer did not inform fabrication, warehouse and casting department employees that had been sampled for noise exposure that their results were above the Action Level.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/26/2017

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: 1183671
Inspection Date(s): 10/13/2016 - 04/12/2017
Issuance Date: 04/12/2017



Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574

Citation 3 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(c)(2)(i): Where voluntary respirator use was permissible, the employer did not provide the respirator users with the information contained in Appendix D.

On or about 13 October 2016, employees voluntarily using respirators while working in different areas of the facility such as, welders and packers in the fabrication department, were not provided with appendix D of the standard, exposing employees to an inhalation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/26/2017
\$500.00

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

- R. Casey Perkins, CSP
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1033 La Posada
Suite 375
Austin, TX 78752
Phone: 512-374-0271 Fax: 512-374-0086



INVOICE / DEBT COLLECTION NOTICE

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
Inspection Site: 206 Allison Drive, Taylor, TX 76574
Issuance Date: 04/12/2017

Summary of Penalties for Inspection Number	1183671
Citation 1, Serious	\$144858.00
Citation 2, Willful	\$126749.00
Citation 3, Other-than-Serious	\$2311.00
TOTAL PROPOSED PENALTIES	\$273918.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

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

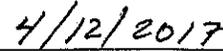
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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

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



R. Casey Perkins, CSP

Area Director



Date