

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: 1187531
Inspection Date(s): 10/25/2016 - 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: 1187531

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 1 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 6 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 11a was corrected on _____
By (Method of Abatement): _____

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

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

Citation Number 1 and Item Number 12 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 14 was corrected on _____
By (Method of Abatement): _____

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

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

Citation Number 2 and Item Number 1 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

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to being struck-by falling counter tops:

On or about October 25, 2016, in the slab stripping department, employees were required to measure the thickness and perform sanding operations on counter tops suspended from vacuum lifting devices. The counter tops can weigh up to approximately 460 pounds. Employees are walking under the counter tops and work in close proximity to the suspended counter tops. The suspended counter tops have fallen. Employees are exposed to the hazard of being struck-by a falling counter top. There are approximately four vacuum lifting devices which are identified as H-029, H-030, H-031 and H-032.

- a) The rated load of vacuum lifter and each pad was not legibly marked on the main structure or a tag attached.
- b) There was no periodic (annual) inspection of the vacuum lifting devices.
- c) The operator and other employees are walking under and working in close proximity to the suspended slabs when they performing such tasks as sanding and taking measurements.
- d) The suspended counter tops do not have an auxiliary support under the loads while performing work.

Among other methods, one feasible and acceptable means of abatement would be to comply with the Recommended Practices of ASME B30.20, 2010, Below The Hook Lifting Devices in that: The rated load of vacuum lifter and each pad shall be legibly marked on the main structure or a tag attached in accordance with 20.2.2.1. The vacuum lifters shall be inspected, tested and maintained in accordance with 20-2.3. The operator and other personnel shall stay clear of the load in accordance with 20-2.4.3 (J). Also feasible means of abatement is to provide auxiliary support under the loads. The Hoist Operators Manual, by Hoist Manufactures Institute states, do not walk under a suspended load. Do not perform any work on a suspended load that requires a worker to be positioned under the suspended load. If it essential that a worker be positioned under a suspended load to perform work on the

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suspended load: such work shall not be started or performed until other auxiliary supporting means are placed under the suspended load. Failure to use other auxiliary supporting means could result in serious bodily injury or death and/or property damage.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/27/2017
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.

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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 1910.22(a)(1): All places of employment, passageways, storerooms or service rooms were not kept clean and orderly or in a sanitary condition:

On or about October 25, 2016, in the casting department, the employer did not keep the production area floor free from a build-up of epoxy resin, creating uneven surfaces, when employees are required to push barrels across the uneven floor. Employees exposed to hazards of trips and ergonomic strains.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/17/2017
\$5432.00

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 3 Type of Violation: **Serious**

29 CFR 1910.106(e)(2)(iv)(d): Flammable liquids were not drawn from or transferred into vessels, containers, or portable tanks within a building only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container or portable tanks by gravity through an approved self-closing valve:

On or about January 10, 2017, in the fabrication department, employees were dispensing SA-78 and TBAC , flammable liquids, into smaller containers to clean counter tops from 55 gallon drums that were not equipped with self-closing valves, exposing employees to a burn hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/27/2017
Proposed Penalty:	\$5432.00



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 1910.106(e)(6)(i): Adequate precautions were not taken to prevent the ignition of flammable vapors:

- a) On or about November 2, 2016, in the sinks department, employees were using SA-78 paint thinner, a flammable liquid, to clean mold residue off hot surfaces (sink molds). Employees are exposed to a burn hazard.
- b) On or about November 2, 2016, in the sinks department, employees were using SA-78 paint thinner, a flammable liquid, to clean sink molds where open flames were present in the gas ovens. Employees exposed to a burn hazard.
- c) On or about November 7, 2016, in the grading department, employees were using Tert Butyl Acetate (TBAC), a flammable liquid, to wipe off hot surfaces on counter tops. Employees exposed to a burn hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/27/2017
Proposed Penalty: \$12675.00



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 1910.106(e)(6)(ii): Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 degree F (37.8 degree C), were dispensed into containers without the nozzle and containers being electrically interconnected:

- a) On or about November 2, 2016, in the grading and sink departments, employees are transferring SA-78DH and DC-20 flammable liquids into small metal containers without the containers being grounded and bonded. Employees exposed to the hazard of being burned from a fire.

- b) On or about November 7, 2016, in the grading department, employees were dispensing TBAC flammable liquid from five-gallon metal containers to the red metal sinks without the containers and/or sinks being bonded. Employees exposed to the hazard of being burned from a fire.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/27/2017
Proposed Penalty:	\$12675.00



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 Type of Violation: **Serious**

29 CFR 1910.106(e)(9)(iii): Combustible waste material and residues in a building or unit operating area were not kept to a minimum, stored in covered metal receptacles and disposed of daily:

On or about November 7, 2016, in the grading department, absorbent pads used by employees to wipe down counter tops were soaked with Tert Butyl Acetate (TBAC), a flammable liquid, and were stored in red cans without a cover. Employees are exposed to a burn hazard from the flammable vapors igniting.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/27/2017
Proposed Penalty:	\$10864.00



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 7 a 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:
1910.146(d)(2), Identify and evaluate the hazards of permit spaces before employees enter them;
1910.146(d)(5)(ii), Test or monitor the permit space as necessary to determine if acceptable entry conditions are being maintained during the course of entry operations;
1910.146(d)(8), Designate the persons who are to have active roles (as, for example, authorized entrants, attendants, entry supervisors, or persons who test or monitor the atmosphere in a permit space) in entry operations, identify the duties of each such employee, and provide each such employee with the training required by paragraph (g) of this section;
1910.146(d)(9), Develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and for preventing unauthorized personnel from attempting a rescue;
1910.146(d)(10), Develop and implement a system for the preparation, issuance, use, and cancellation of entry permits as required by this section;
1910.146(d)(12), Develop and implement procedures (such as closing off a permit space and canceling the permit) necessary for concluding the entry after entry operations have been completed;
1910.146(d)(14), Review the permit space program, using the canceled permits retained under paragraph (e)(6) of this section within 1 year after each entry and revise the program as necessary, to ensure that employees participating in entry operations are protected from permit space hazards;
1910.146(e)(2), Before entry begins, the entry supervisor identified on the permit shall sign the entry permit to authorize entry.

On or about January, 11, 2017, in the casting department, employees are routinely entering and cleaning five mixing tanks containing a hardened resin mix that is required to be chiseled out without the employer developing and implementing a written permit space program.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/27/2017
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
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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 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

On or about January 11, 2017, in the casting department, danger signs were not posted on the new mixing tanks where employees could enter a permit-required confined space.

Date By Which Violation Must be Abated:

04/27/2017

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

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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 1910.147(c)(5)(ii)(D): Lockout devices and tagout devices did not indicate the identity of the employee applying the device(s):

On or about January 11, 2017, in the casting department, locks being applied by employees performing cleaning operations in the mixing tanks did not indicate the identity of the employee applying the locks, exposing employees to hazards such as, but not limited to electric shock, engulfment and/or inhalation.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/27/2017
\$5432.00

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

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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 1910.147(d)(4)(i): Lockout or tagout devices were not affixed to each energy isolating device by authorized employees:

On or about October 25, 2016, in the casting and sink department, employees performing cleaning operations at the mixing stations are required to wipe the resin product off the mixer blades without locking out the equipment, exposing employees to the hazard of unexpected startup and being caught-in the mixing blade.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/27/2017
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
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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 10 Type of Violation: **Serious**

29 CFR 1910.178(l)(4)(iii): An evaluation of each powered industrial truck operator's performance was not being conducted at least once every three years:

On or about October 25, 2016, in the maintenance department, employees are required to operate a forklift to perform their duties. The employees did not have a three year refresher training, exposing employees the hazard of being struck-by the load and/or the lift.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/27/2017
\$5432.00

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

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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 b Type of Violation: **Serious**

29 CFR 1910.219(i)(2): Revolving surfaces of shaft coupling(s) were not covered by a safety sleeve:

On or about October 26, 2016, in the casting department, employees processing the resin mix at the mixing stations were exposed to the unguarded, rotating coupling shaft above the mixing barrel. Employees exposed to the hazard of being caught-in the rotating coupling shaft.

Date By Which Violation Must be Abated: 04/27/2017

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

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Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
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Citation 1 Item 11 c Type of Violation: **Serious**

29 CFR 1910.219(c)(4)(ii): The unused keyway(s) of projecting shaft end(s) were not filled up or covered:

On or about January 11, 2017, in the casting department, employees were chiseling out resin at the Willie Nelson mixing tank lid area where a rotating keyway shaft was not guarded, exposing employees to the hazard of being caught-in the rotating shaft.

Date By Which Violation Must be Abated:

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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.

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Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
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Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.219(c)(3): Vertical or inclined shafting seven 7 feet or less from floor or working platform was not enclosed with stationary casing(s):

On or about November 7, 2016, in the casting department, employees are required to clean, inspect, maintain and unclog vent holes on the system three mixing tank on a daily basis and were exposed to three unguarded, rotating shafts. Employees exposed to the hazard of being caught-in the rotating shafts.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/27/2017
Proposed Penalty:	\$9054.00

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Citation and Notification of Penalty

Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
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Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven 7 feet or less above floors or platforms were not enclosed:

On or about October 25, 2016, in the casting department, employees work in and around the unguarded chains and sprockets when pouring the resin mix and replacing the paper at the gel molds. Employees exposed to the hazard of being caught-in the rotating chain and sprockets.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/27/2017
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Company Name: Laboratory Tops, Inc., dba Durcon Incorporated
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Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.304(g)(5): The path to ground from circuits, equipment, and enclosures was not permanent, continuous, and effective:

On or about October 13, 2016, in the fabrication department, employees working at the sanding and routing stations were using a 120-V industrial fan that was missing the grounding pin, exposing employees to an electrical shock hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/27/2017
\$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 15 a Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief was provided that would prevent pull from being directly transmitted to joints or terminal screws:

- a) On or about October 19, 2016, in the casting department, employees were mixing liquid resin with a 120-V portable hand-held mixer where the sheathing was pulled away from the plug that exposed the internal insulated conductors, exposing employees to an electrical shock hazard.
- b) On or about October 25, 2016, in the maintenance department, employees operating the vertical band saw to cut metal where the sheathing was pulled away from the plug that exposed the internal insulated conductors, exposing employees to an electrical shock hazard.
- c) On or about November 7, 2016, in the casting department, employees were inspecting and cleaning the system three mixing tank where the sheathing was pulled away from the plug that exposed the 120-V internal insulated conductors, exposing employees to an electrical shock hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/27/2017
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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 15 b Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings shall be effectively closed.

On or about January 11, 2017, in the casting department, the employees are mixing resin at the mixing station near the entrance to the mixing tanks where the 120-V electrical control panel was missing the knockout cover, exposing employees to hazards such as fire and electrical shock.

Date By Which Violation Must be Abated:

04/27/2017

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

On or about October 25, 2016, in the plant, energy control procedures were not reviewed on an annual basis to ensure the procedures and requirements of the standard were being followed. Employees exposed to the hazards associated with unexpected start-up of machinery or equipment.

The Durcon Incorporated was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.147(c)(6)(i), which was contained in OSHA inspection number 1044299, citation number 1, item number 1 and was affirmed as a final order on April 20, 2015, with respect to a workplace located at 206 Allison Drive Taylor, TX 76574.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/27/2017
Proposed Penalty: \$45270.00

A handwritten signature in black ink, appearing to read "R. Casey 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	1187531
Citation 1, Serious	\$141236.00
Citation 2, Repeat	\$45270.00
TOTAL PROPOSED PENALTIES	\$186506.00

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

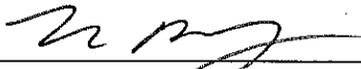
account, the bank will attempt to make the transfer up to 2 times.

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

4/12/2017

Date