

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



Citation and Notification of Penalty

To:
Elan Chemical Company Inc .
and its successors
268 Doremus Ave.
Newark, NJ 07105

Inspection Number: 1082421
Inspection Date(s): 08/04/2015 - 02/04/2016
Issuance Date: 02/04/2016

Inspection Site:
268 Doremus Ave.
Newark, NJ 07105

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 02/04/2016. The conference will be held by telephone or at the OSHA office located at 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1082421

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105
Issuance Date: 02/04/2016

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054**

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

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

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

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

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

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

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

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

a) Establishment - autoclave area

Employees were exposed to fall hazards of 10ft while working on an autoclave with an unguarded side to the platform near the autoclave. A wood plank was used to gain access to the rear of the autoclave.

Violation observed on or 8/4/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/26/2016
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

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

a) Establishment - PEEB Process

The employer did not ensure that the written process safety information included all necessary information pertaining to equipment in the process when piping specifications were not shown for ethyl chloride storage tank T-153 on PEEB Process P&ID TCPA Rev. Dated 6 11/01/2014.

b) Establishment - PEEB Process

The employer did not ensure that the written process safety information included all necessary information pertaining to equipment in the process when hand valve A1-CH-002, a bleed line and valve between A1-CV-NIT and A1-HV-NIT and a flex line between WT-HV-NIT and WT-100 were not shown on on PEEB Process P&ID TCPA Rev. Dated 6 11/01/2014.

c) Establishment - PEEB Process

The employer did not ensure that the written process safety information included all necessary information pertaining to equipment in the process when valves NIT-HV-004 and NIT-HV-005 were not shown to be normally padlocked on PEEB Process P&ID TCPA Rev. Dated 6 11/01/2014.

d) Establishment - PEEB Process

The employer did not ensure that the written process safety information included all necessary information pertaining to equipment in the process when valves 153-HV-002 and WT-HV-SV were not shown to be normally padlocked or car sealed open on PEEB Process P&ID TCPA Rev. Dated 6 11/01/2014.

e) Establishment - PEEB Process

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: Elan Chemical Company Inc .
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The employer did not ensure that the written process safety information included all necessary information pertaining to equipment in the process when compressed air to pneumatic valves WT-CV-VENT, WT-CF-NIT, A1-CV-ETC, A1-CV-NIT and A1-CV-VA were not shown on PEEB Process P&ID TCPA Rev. Dated 6 11/01/2014.

f) Establishment - PEEB Process

The employer did not ensure that the written process safety information included all necessary information pertaining to equipment in the process when design temperature and pressure ratings, size or capacity for tank T-153, tank WT-100 and autoclave A1 were not shown on PEEB Process P&ID TCPA Rev. Dated 6 11/01/2014.

g) Establishment - PEEB Process

The employer did not ensure that the written process safety information included all necessary information pertaining to equipment in the process when failure modes of automatic valves were not shown on PEEB Process P&ID TCPA Rev. Dated 6 11/01/2014.

h) Establishment - PEEB Process

The employer did not ensure that the written process safety information included all necessary information pertaining to equipment in the process when flash arresters on tanks T-153 and WT-100, a pressure relief valve upstream of NIT-HV-001, scales on tank WT-100 and autoclave A1 and an agitator on A1 were not labeled on PEEB Process P&ID TCPA Rev. Dated 6 11/01/2014.

i) Establishment - PEEB Process

The employer did not ensure that the written process safety information included all necessary information pertaining to equipment in the process when blackening of certain hand valves including but not limited to 153-HV-DRN and WT-HV-SV was not explained on PEEB Process P&ID TCPA Rev. Dated 6 11/01/2014.

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Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

Violations occurred on or about 8/10/15.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/18/2016
Proposed Penalty:	\$4900.00

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Company Name: Elan Chemical Company Inc .
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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 3 a Type of Violation: **Serious**

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

a) Establishment -PEEB process storage tank T-153

Pressure vessel T-153 was used to store approximately 7,500 gallons of ethyl chloride, a flammable liquid, without basic process safety information such as maximum allowable working pressure, maximum allowable external pressure. The vessel is normally under 45-50 psig nitrogen at ambient temperature.

Violation occurred on or about 8/4/2015

Among other methods, one feasible and acceptable means of abatement include, but are not limited to following the required UG sections of the ASME Boiler & Pressure Vessel Code Section VIII for Markings & Reports. Since original information does not exist, the employer shall use authorized inspectors/agencies to conduct non-destructive testing and examinations to verify the vessel is fit for service.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/04/2016
Proposed Penalty:	\$4900.00

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



Citation and Notification of Penalty

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

29 CFR 1910.119(d)(3)(i)(A): Process safety information pertaining to the equipment in the process did not include materials of construction:

a) Establishment -PEEB process storage tank T-153

Pressure vessel T-153 was used to store approximately 7,500 gallons of ethyl chloride, a flammable liquid, without basic process safety information, including but not limited to design/manufacture information such as materials of construction. The vessel is normally under 45-50 psig nitrogen at ambient temperature.

Violation occurred on or about 8/4/2015.

Among other methods, one feasible and acceptable means of abatement include, but are not limited to following the required UG sections of the ASME Boiler & Pressure Vessel Code Section VIII for Markings & Reports. Since original information does not exist, the employer shall use authorized inspectors/agencies to conduct non-destructive testing and examinations to verify the vessel is fit for service.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/04/2016



Citation and Notification of Penalty

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

29 CFR 1910.119(d)(3)(ii): The employer did not document that equipment complies with recognized and generally accepted good engineering practices (RAGAGEP).

a) Tank T-153 Intervening/Stop Valve 153-HV-002

The employer did not comply with RAGAGEP such as, but not limited to, ASME Boiler and Pressure Vessel Code, Section VIII, UG-135(d) when it failed to provide adequate controls to ensure that an intervening stop valve (Isolation Valve 153-HV-002 on ethyl chloride tank T-153) upstream from pressure relief devices remained in the open position during pressure vessel operation.

Violation occurred on or about 8/4/15.

b) Weigh tank Intervening/Stop valve WT-HV-SV

The employer did not comply with RAGAGEP such as, but not limited to, ASME Boiler and Pressure Vessel Code, Section VIII, UG-135(d) when it failed to provide adequate controls to ensure that an intervening stop valve (Isolation Valve WT-HV-SV on ethyl chloride weigh tank WT-100) upstream from pressure relief devices remained in the open position during pressure vessel operation.

Violation occurred on or about 8/4/15.

One feasible means of abatement include removing intervening stop valves located in the relief discharge path from pressure vessels or complying with Appendix M of the ASME Boiler and Pressure Vessel Code, Section VIII, Division 1 which includes providing intervening stop valves with mechanical locking elements such as those required by the employer's mechanical integrity procedure, Mech-SOP-003 and Mech-SOP-004 which specify locking isolation valves open when vessels are in-service.

Date By Which Violation Must be Abated:

Corrected During Inspection

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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Proposed Penalty: \$4900.00

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Citation and Notification of Penalty

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

29 CFR 1910.119(e)(3)(v): The process hazard analysis did not address facility siting:

a) Establishment - PEEB Process

The 2013 PHA did not address potential ethyl chloride vapor cloud explosion over pressure impact on site equipment, buildings & personnel. Scenarios in the 2008 TCPA risk assessment calculated boundaries of 1, 2.3 and 5 psi over pressure waves but an evaluation of the on site consequences of the over pressure was not conducted.

Violation occurred on or about 8/4/2015.

Among the ways the employer could achieve abatement is to comply with requirements in API 752 Management of Hazards Associated with Location of Process Plant Permanent Buildings or Center for Chemical Process Safety (CCPS) Guidelines for Facility Siting and Layout.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/18/2016
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

29 CFR 1910.119(f)(1)(i)(G): The employer's written operating procedures covering the steps for each operating phase did not address startup following an emergency shutdown:

a) Establishment - PEEB

The employer did not write operating procedures for startup after an emergency shutdown or interruption of the PEEB process, where ethyl chloride and/or product remain in the process equipment following the shutdown. The existing written start up procedure assumes the process equipment is empty.

Violation occurred on or about 8/4/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/26/2016
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

29 CFR 1910.119(h)(2)(i): The employer, when selecting a contractor, did not obtain and evaluate information regarding the contract employer's safety performance and programs:

a) Establishment - PEEB Process

An outside contractor conducted calibration and service on scales that are part of the covered PEEB process. Safety performance and programs were not evaluated.

b) Establishment - PEEB Process

An outside contractor conducted service & testing on the deluge system on T-153, the 15,000gallon storage tank filled with ethyl chloride. Safety performance and programs were not evaluated.

c) Establishment - PEEB Process

An outside contractor conducted service on the nitrogen system, which provided nitrogen blanket pressure of 40PSIG to the covered process. Safety performance and programs were not evaluated.

Violation occurred on or about 9/22/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/26/2016
Proposed Penalty:	\$4900.00

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



Citation and Notification of Penalty

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

29 CFR 1910.119(h)(2)(ii): The employer did not inform contract employees of the known potential fire, explosion or toxic release hazards related to the contractor's work and the covered process:

a) Establishment - PEEB Process

An outside contractor conducted calibration and service on scales that are part of the covered PEEB process, without receiving information about the fire/explosion hazards related to ethyl chloride, a highly flammable liquid.

b) Establishment - PEEB Process

An outside contractor conducted service & testing on the deluge system on T-153, the 15,000gallon storage tank filled with ethyl chloride, without receiving information about the fire/explosion hazards related to ethyl chloride, a highly flammable liquid.

c) Establishment - PEEB Process

An outside contractor conducted service on the nitrogen system, which provided nitrogen blanket pressure of 40PSIG to the covered process, without receiving information about the fire/explosion hazards related to ethyl chloride, a highly flammable liquid.

Violation occurred on or about 9/22/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/26/2016
Proposed Penalty:	\$4900.00

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



Citation and Notification of Penalty

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

29 CFR 1910.119(h)(2)(iii): The employer did not explain to contract employees the applicable provisions of the emergency action plan as required by 29 CFR 1910.119(n):

a) Establishment - PEEB Process

An outside contractor conducted calibration and service on scales that are part of the covered PEEB process, without receiving information from emergency action plan; specifically evacuation procedures, emergency notification procedures.

b) Establishment - PEEB Process

An outside contractor conducted service & testing on the deluge system on T-153, the 15,000gallon storage tank filled with ethyl chloride, without receiving information from emergency action plan; specifically evacuation procedures, emergency notification procedures.

c) Establishment - PEEB Process

An outside contractor conducted service on the nitrogen system, which provided nitrogen blanket pressure of 40PSIG to the covered process, without receiving information from emergency action plan; specifically evacuation procedures, emergency notification procedures.

Violation occurred on or about 9/22/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/26/2016
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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: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

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

a) Establishment - PEEB Process

The employer did not establish and implement written procedures for internal and external inspection of tank WT-100.

Violation occurred on or about 8/4/15.

b) Establishment - PEEB Process

The employer did not establish and implement written procedures for internal and external inspection of autoclave A1.

Violation occurred on or about 8/4/15.

c) Establishment - PEEB Process

The employer did not establish and implement a written procedure for external inspection of process piping.

Violation occurred on or about 8/4/15.

d) Establishment - PEEB Process

The employer did not establish a written procedure for testing grounding of tanks and equipment.

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: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

Violation occurred on or about 8/4/15.

e) Establishment - PEEB Process

The employer did not establish and implement a written procedure for inspection of pressure relief valves upon removal.

Violation occurred on or about 8/4/15.

f) Establishment - PEEB Process

The employer did not implement procedure Mech-SOP-003 and Mech-SOP-004 which specify locking isolation valve 153-HV-002 on ethyl chloride tank T-153 and isolation valve WT-HV-SV on weight tank WT-100 open when vessels T-153 & WT-100 are in-service.

Violation occurred on or about 8/4/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

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Citation and Notification of Penalty

Company Name: Elan Chemical Company Inc .
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Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.119(j)(4)(i): The employer did not perform inspection and tests on process equipment:

a) Establishment - PEEB Process

The employer failed to perform inspection and testing of flame arresters on vent lines of tank T-153 and WT-100.

Violation occurred on or about 8/4/15.

b) Establishment - PEEB Process

The employer failed to perform inspection and testing of grounding wires for tank T-153 and autoclave A1.

Violation occurred on or about 8/4/15.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

29 CFR 1910.119(j)(4)(ii): Inspection and testing procedures did not follow recognized and generally accepted good engineering practices (RAGAGEP):

a) Establishment - PEEB Process

The chemical manufacturing employer did not document that it complied with recognized and generally accepted good engineering practice, such as API 510 (2014), Section 4.4, when pressure vessel inspection (T-153 and WT-100) were conducted without a qualified inspector being directly involved in the inspections exposing employees to the hazards of fire and explosion.

Violation occurred on or about 8/4/15.

b) Establishment - PEEB Process

The chemical manufacturing employer did not document that it complied with recognized and generally accepted good engineering practices, such as but not limited to API Std. 510 (2014), Section 6.6 when the employer did not inspect or test pressure relief valves it replaced, as a result inspection and testing information was not available for determining appropriate inspection intervals for these valves exposing employees to the hazard of fire and explosion.

Violation occurred on or about 8/4/15.

One feasible means of abatement would be to develop and implement pressure vessel/pressure relief inspection procedures as stated in API 510 (2014), Section 4.1.2 which include training requirements for inspection personnel and controls necessary so that only qualified NDE personnel and procedures are utilized; and API 510 (2014), Section 5.1, the development and implementation of an inspection plan for pressure vessels and pressure relief valves.

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Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

29 CFR 1910.119(j)(4)(iii): The frequency of inspections and tests of process equipment was not consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience:

a) Establishment - PEEB Process

Pressure relief valves were not inspected and replaced by their required due dates. Valve 153-PSV-1 was last replaced 6/15/2013 (WO 182); WT-PSV-1 was last replaced 6/15/2013 (WO 183). Replacement on a two year basis required completion by 6/15/2015.

Violation occurred on or about 8/4/15.

b) Establishment - PEEB Process

Tank pressure switches were not inspected and tested by their required due dates. PS1 was last tested 7/2/2014 (WO 310); PS2 was last tested 7/2/2014 (WO101). Retesting on an annual basis required reinspection and testing by 7/2/2015.

Violation occurred on or about 8/4/15.

c) Establishment - PEEB Process

Loading hoses were not inspected and tested by their required due dates. Hoses were last tested 7/2/2014 (WO 312). Retesting on an annual basis required reinspection and testing by 7/2/2015.

Violation occurred on or about 8/4/15.

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ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/18/2016
Proposed Penalty:	\$4900.00

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



Citation and Notification of Penalty

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

29 CFR 1910.119(l)(1): The employer did not implement procedures to manage changes to process chemicals, technology, equipment, and procedures, and changes to facilities that affect a covered process:

a) Establishment - PEEB Process

The employer did not follow management of change (MOC) procedures when implementing recommendations from the 2014 TCPA compliance audit including changing valve notification on the programmable logic controller to flow/not flow

Violation occurred on or about 8/4/15.

b) Establishment - PEEB Process

The employer did not follow management of change (MOC) procedures when implementing recommendations from the 2013 Process Hazard Analysis (PHA) for installing a pressure transducer on TK-153 with low pressure alarm (completed 12/31/13)

Violation occurred on or about 8/4/15.

c) Establishment - PEEB Process

The employer did not follow management of change (MOC) procedures when implementing recommendations from the 2013 Process Hazard Analysis (PHA) for installing a pressure gauge in the nitrogen line upstream of NIT-RV-1 (completed 3/2014)

Violation occurred on or about 8/4/15.

d) Establishment - PEEB Process

The employer did not follow management of change (MOC) procedures when implementing

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: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

recommendations from the 2013 Process Hazard Analysis (PHA) for installing a blank flange in the sample line off autoclave A1.

Violation occurred on or about 8/4/15.

e) Establishment - PEEB Process

The employer did not follow management of change (MOC) procedures when implementing recommendations from the 2013 Process Hazard Analysis (PHA) for providing PLC logic to close the steam supply valve on high autoclave pressure (completed 12/2013)

Violation occurred on or about 8/4/15.

f) Establishment - PEEB Process

The employer did not follow management of change (MOC) procedures when implementing recommendations from the 2013 Process Hazard Analysis (PHA) for adding instructions to operating procedures to explicitly instruct operator not to start the agitator if temperature is at setpoint (completed 11/2013)

Violation occurred on or about 8/4/15.

g) Establishment - PEEB Process

The employer did not follow management of change (MOC) procedures when implementing recommendations from the 2013 Process Hazard Analysis (PHA) for installing separate actuated valves and lines, one for the process vent to atmosphere separate from vacuum line (completed 12/2013)

Violation occurred on or about 8/4/15.

h) Establishment - PEEB Process

The employer did not follow management of change (MOC) procedures when implementing

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: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

recommendations from the 2013 Process Hazard Analysis (PHA) for installing a cap or plug in bleed valve line after usage (completed 12/1/2013)

Violation occurred on or about 8/4/15.

i) Establishment - PEEB Process

The employer did not follow management of change (MOC) procedures for installation of a Programmable Logic Controller (PLC) for the covered process in 2013.

Violation occurred on or about 8/4/15.

j) Establishment - PEEB Process

The employer did not follow management of change (MOC) procedures when process piping was converted to stainless steel in 2012.

Violation occurred on or about 8/4/15.

k) Establishment - PEEB Process

The employer did not follow management of change (MOC) procedures when recalculating MAWP for WT-100.

Violation occurred on or about 8/4/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

02/26/2016

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: 1082421
Inspection Date(s): 08/04/2015 - 02/04/2016
Issuance Date: 02/04/2016



Citation and Notification of Penalty

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

Proposed Penalty: \$4900.00

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



Citation and Notification of Penalty

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

a) Establishment

The employer did not implement the labeling provisions of its written hazard communication program when it failed to label a 15,000 gallon storage tank for ethyl chloride, a flammable, liquefied gas.

Violation occurred on or about 8/4/15.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/18/2016
Proposed Penalty:	\$3500.00



Citation and Notification of Penalty

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105

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

29 CFR 1910.1200(f)(5): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged, or marked with the identity and appropriate hazard warnings regarding the chemicals contained therein:

a) Establishment

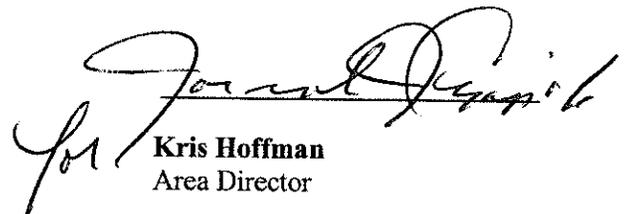
The employer did not ensure that a 15,000 gallon storage tank for ethyl chloride, a flammable, liquefied gas was labeled or marked with the identity of the chemical.

Violation occurred on or about 8/4/15.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/18/2016


Kris Hoffman
Area Director

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



INVOICE / DEBT COLLECTION NOTICE

Company Name: Elan Chemical Company Inc .
Inspection Site: 268 Doremus Ave., Newark, NJ 07105
Issuance Date: 02/04/2016

Summary of Penalties for Inspection Number	1082421
Citation 1, Serious	\$72100.00
TOTAL PROPOSED PENALTIES	\$72100.00

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.

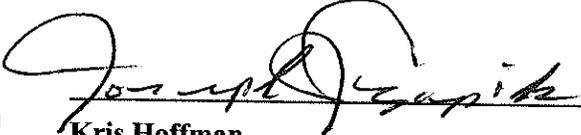
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.

for 
Kris Hoffman
Area Director

4 February 2016
Date