

U.S. Department of Labor
Occupational Safety and Health Administration
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203
Phone: 414-297-3315 Fax: 414-297-4299



Citation and Notification of Penalty

To:
Fontarome Chemical, Inc.
and its successors
780 N. Water Street
Milwaukee, WI 53202

Inspection Number: 952515
Inspection Date(s): 12/16/2013 - 05/28/2014
Issuance Date: 06/04/2014

Inspection Site:
4170 S. Nevada Avenue
Saint Francis, WI 53235

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 \$50,000 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 06/04/2014. The conference will be held by telephone or at the OSHA office located at 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 952515

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235
Issuance Date: 06/04/2014

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, 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203**

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: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: 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 hazards associated with the potential over-pressurization of process vessels. Reactor, distillation, and filter dryer vessels were not adequately designed to prevent over-pressurization of the vessels and associated process equipment, and steam heating jacket pressure relief devices on reactor and distillation vessels were not designed or located to relieve to a safe location:

- (a) Pressure relief systems installed on steam heating jackets of reactor and distillation vessels such as, but not limited to PC-51, PC-202, PC-502, DU-21, DU-31, DU-22, and DU-23 did not relieve to a safe location. Pressure relief valves discharged directly to the immediate work environments (operator stations, ladders, doorways, platforms, etc.) occupied by process operators and other employee(s) performing work in the area. This exposed process operators and employees to burn hazards from steam.
- (b) Reactor, and distillation vessels such as, but not limited to PC-51, PC-202, PC-502, DU-21, DU-31, DU-22, DU-51, DU-23, DU-52, and DU-201, did not have recognized safe pressure relief systems engineered into the vessels and interconnected process equipment to dissipate hazardous build-up of pressure within the system. A catastrophic explosion event or releases of chemical material into the local work environment exposes employees to burn hazards, inhalation hazards and struck by hazards.

Among other methods, one feasible and acceptable means of abatement for instance (a) would be to ensure that pressure relief valves are oriented/located to relieve to safe, unoccupied locations not capable of impacting personnel. Hazard determination and installation solutions may involve the implementation of recognized and accepted good engineering practices such as American Petroleum Institute (API) Standard 521 "Pressure-relieving and Depressuring Systems".



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
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Among other methods, one feasible and acceptable means of abatement for instance (b) would be to follow the American Society of Mechanical Engineers (ASME) "Boiler and Pressure Vessel Code (B&PVC)" Section VIII, Division 1 UG-125. Specifically, provide pressure vessels with pressure relief devices in accordance with the requirements of UG-125 through UG-137 of AMSE B&PVC Section VIII, Division 1, such as ensuring that the required pressure relief devices are properly installed prior to initial operation and to size, select pressure relief devices based on intended service considerations such as, but not limit to, normal operating and upset conditions, fluids, and fluid phases. Pressure relief devices must discharge to a safe location in accordance with recognized and generally accepted good engineering practices such as American Petroleum Institute (API) Standard 521 "Pressure-relieving and Depressuring Systems" and 520 "Sizing, Selection, and Installation of Pressure-Relieving Devices in Refineries".

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2014
Proposed Penalty:	\$5390.00



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: 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 hazards associated with the potential failure of process/utilities piping such as, but not limited to, burns, struck-by, chemical contact, chemical inhalation while working at or near reactor vessels, distillation vessels, filter dryer vessels and their associated piping systems:

- (a) Steam heating system delivery piping throughout the facility was visibly pitted, corroded, and oxidized. The employer had not developed nor implemented a mechanical integrity system to ensure the safe service of such piping servicing reactor, distillation and filter dryer vessels such as, but not limited to, PC-51, PC-202, PC-204, PC-502, DU-21, DU-31, DU-22, DU-51, DU-23, DU-52, DU-201, and FD-301.
- (b) Methanol delivery piping throughout the facility was visibly pitted, corroded, and oxidized. The employer had not developed nor implemented a mechanical integrity system to ensure the safe service of such piping servicing reactor, distillation and filter dryer vessels such as, but not limited to, PC-51, PC-202, PC-204, PC-502, DU-21, DU-31, DU-22, DU-51, DU-23, DU-52, DU-201, and FD-301.
- (c) Hot oil delivery piping throughout the facility was visibly pitted, corroded, and oxidized. The employer had not developed nor implemented a mechanical integrity system to ensure the safe service of such piping servicing reactor, distillation and filter dryer vessels such as, but not limited to, PC-51, PC-202, PC-204, PC-502, DU-21, DU-31, DU-22, DU-51, DU-23, DU-52, DU-201, and FD-301.
- (d) Plastic emissions ventilation and scrubber system piping was missing inlet port covers, included duct tape at various joint connections, etc. The employer had not developed nor implemented a mechanical integrity system to ensure the safe service of such piping.



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
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- (e) Glass charging and process piping throughout the facility was relied upon without ensuring its integrity. The employer had not developed nor implemented a mechanical integrity system to ensure the safe service of such piping servicing reactor, distillation and filter dryer vessels such as, but not limited to, PC-51, PC-202, PC-204, PC-502, DU-21, DU-31, DU-22, DU-51, DU-23, DU-52, DU-201, and FD-301.

Among other methods, one feasible and acceptable means of abatement would be to develop and implement a mechanical integrity (in-service inspection and condition-monitoring) program to include necessary inspections, tests, ratings, repair, and replacement of metal process/utilities piping in accordance with the guidelines outlined in American Petroleum Institute (API) Standard 570 "Piping Inspection Code: In-service Inspection, Rating, Repair, and Alteration of Piping Systems". Additional codes and standards that provide guidance for metallic and non-metallic piping and supports may include API Standard 574 "Inspection Practices for Piping System Components", API Standard 579 "Fitness-for-Service", API Standard 580 "Risk-Based Inspection", and American Society of Mechanical Engineers (ASME) Standard B31.3 "Process Piping".

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2014
Proposed Penalty:	\$5390.00



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

- (a) On or about February 10, 2014 the exit on the east side of the hazardous chemical storage room was obstructed by a tote and 55 gallon drums of chemical waste.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 06/10/2014
Proposed Penalty: \$5390.00



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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 4 a Type of Violation: **Serious**

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

- (a) Process safety information, such as safe upper and lower limits for temperatures, pressures, flows was not developed and compiled for covered processes associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the PC-501 process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2014
Proposed Penalty:	\$5390.00



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

29 CFR 1910.119(d)(2)(i)(E): Information concerning the technology of the process did not include an evaluation of the consequences of deviations, including those affecting the safety and health of employees:

- (a) Process safety information such as consequences of deviations from safe upper and lower limits (temperatures, pressures, flows) was not developed and compiled for covered processes associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the PC-501 process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/22/2014

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

Inspection Number: 952515
Inspection Date(s): 12/16/2013 - 05/28/2014
Issuance Date: 06/04/2014



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

29 CFR 1910.119(e)(4): The process hazard analysis was not performed by a team with a member knowledgeable in the specific process hazard analysis methodology being used:

- (a) A 2012 process hazard analysis for covered processes utilizing thionyl chloride was conducted using a "Stepwise" methodology along with a FMEA supplement for a portion of the covered process; charging thionyl chloride. The leader of the process hazard analysis was not knowledgeable with the FMEA analysis process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2014
Proposed Penalty:	\$5390.00

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

Inspection Number: 952515
Inspection Date(s): 12/16/2013 - 05/28/2014
Issuance Date: 06/04/2014



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

29 CFR 1910.119(g)(1)(i): Each employee presently involved in operating a process, and each employee before being involved in operating a newly assigned process, were not trained in an overview of the process and in the operating procedures as specified in paragraph (f) of this section:

- (a) Operator training for covered processes associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the PC-501 process did not include training on operating procedures that included steps for each operating phase, operating limits, safety and health considerations, and safety systems and their functions.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2014
Proposed Penalty:	\$5390.00

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: 952515
Inspection Date(s): 12/16/2013 - 05/28/2014
Issuance Date: 06/04/2014



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

Citation 1 Item 7 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) Mechanical integrity procedures were not developed for each type of processing equipment associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the PC-501 process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/22/2014
Proposed Penalty: \$5390.00

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

Inspection Number: 952515
Inspection Date(s): 12/16/2013 - 05/28/2014
Issuance Date: 06/04/2014



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

29 CFR 1910.119(m)(1): The employer did not investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release of highly hazardous chemical in the workplace:

- (a) On or about December 5, 2013, approximately 15 gallons of thionyl chloride released from the 100 liter addition bell associated with reactor PC-501. An incident investigation was not performed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/23/2014
Proposed Penalty:	\$5390.00



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

29 CFR 1910.132(f)(1)(iii): Employees required to wear PPE were not trained to know how to properly don, doff, and wear PPE:

- (a) On or about December 10, 2013 employees shipping and packaging the substance nonivamide were not trained on how to doff (remove) chemical resistant outer clothing, gloves, and respirators in a manner that would prevent skin and respiratory exposure from the contaminated PPE.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/30/2014
Proposed Penalty:	\$4620.00



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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 10 a Type of Violation: **Serious**

29 CFR 1910.157(d)(1): Portable fire extinguishers were not selected based on the classes of anticipated workplace fires and on the size and degree of hazard that would affect their use:

- (a) On or about December 19, 2013, a palladium filter bag media caught fire when removed from the filter enclosure associated with the filter dryer for PC-204. A class D fire extinguisher designed for extinguishing combustible metal fires was not available to extinguish the fire. An employee utilized a nearby class C extinguisher.

No certification required. Violation Abated.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5390.00



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

29 CFR 1910.157(d)(6): The employer did not distribute portable fire extinguishers or other containers of Class D extinguishing agent for use by employees so that the travel distance from the combustible metal working area to any extinguishing agent is 75 feet (22.9 m) or less:

- (a) On or about December 19, 2013 a palladium fire occurred in the Tetrahop processing area when the palladium filter bag media was removed from the filter enclosure associated with the filter dryer for PC-204. A class D fire extinguisher was located in the R&D lab over 400 feet away.

No certification required. Violation Abated.

Date By Which Violation Must be Abated:

Corrected During Inspection



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

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

- (a) Employees were allowed to operate forklifts to handle drums, totes and containers of chemicals and other raw materials for production operations without being trained and/or evaluated in their safe and proper use.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/16/2014
Proposed Penalty:	\$3850.00



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

29 CFR 1910.253(b)(4)(iii): Oxygen cylinders in storage were not separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least 5 feet (1.5 m) high having a fire-resistance rating of at least one-half hour:

- (a) Compressed gas cylinder(s) of oxygen were stored with flammable fuel mixture cylinders (Acetylene) in the staging room without adequate separation.

Certification, with date and method of abatement required.

Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.

Date By Which Violation Must be Abated: 06/10/2014
Proposed Penalty: \$3850.00



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

29 CFR 1910.333(b)(2): While any employee was exposed to contact with parts of fixed electric equipment or circuits which had been de-energized, the circuits energizing the parts were not locked out or tagged or both in accordance with paragraph (b)(2):

- (a) On or about, December 16, 2013 maintenance employees performing work on electrical circuits associated with vessel FD-102, had not locked or tagged out (or both) one of the upstream energy isolation devices.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/23/2014
Proposed Penalty:	\$3850.00



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.

Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

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

29 CFR 1910.119(d)(3)(i): The employer does not compile information pertaining to the equipment in the process to include the elements under 29 CFR 1910.119(d)(3)(i)[a]-[h]:

The employer does not protect employees from chemical process hazards associated with the highly hazardous chemical thionyl chloride by the compiling of process safety information consistent with 29 CFR 1910.119(d)(3)(i)[a]-[h]:

- (a) Piping and instrument diagrams (P&IDs) are not accurate, complete, and up-to-date for covered process equipment associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, PC-501 process equipment.
 - 1. P&IDs do not include associated process system components such as, but not limited to, the pneumatic transfer pump, the emissions ventilation and scrubber system, the chilled water cooling supply system, steam supply system, and the nitrogen gas supply system.
 - 2. P&IDs depict a glycol cooling system that had been removed from processing.
 - 2. P&IDs do not include a corresponding legend for accurate determination of valve type, piping type, control system components, alarms system components, etc.
- (b) Information pertaining to pressure relief system design and design basis is not compiled for covered process equipment associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, PC-501 process equipment.
- (c) Information pertaining to ventilation system design is not compiled for covered process equipment associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, PC-501 process 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: Fontarome Chemical, Inc.

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- (d) Information pertaining to design codes and standards employed is not compiled for covered process equipment associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, PC-501 process equipment.
- (e) Information pertaining to material and energy balances is not compiled for covered process equipment associated with the synthesis of various chemical products using thionyl chloride as a reagent including but not limited to, PC-501 process equipment.
- (f) Information pertaining to safety systems employed is not compiled for covered process equipment associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, PC-501 process equipment.

Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.119(d)(3)(i) under inspection number 332588, citation 01, item 002a, issued on September 28, 2012, and was affirmed as final order on or about October 23, 2012, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.

Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standards 1910.119(d)(3)(i)(a) and (g) under inspection number 307062885, citation number 01, item numbers 004a and 004b, issued on January 05, 2006, and was affirmed as final order on or about January 30, 2005, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.

To abate this violation, the employer must complete a compilation of written process safety information (including information pertaining to the equipment in the process such as complete/accurate P&IDs, relief system design and design basis, ventilation system design, design codes and standards employed, material and energy balances, and safety systems) prior to conducting a process hazard analysis as required by the standard.

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

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Company Name: Fontarome Chemical, Inc.
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Pursuant to 29 CFR 1903.19, the employer must submit an abatement plan within 25 days of the final order date identifying the steps being taken to achieve abatement, including a schedule for completing abatement, and what it is doing to protect employees until abatement has been completed (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/23/2014
Proposed Penalty:	\$53900.00

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: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

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

The employer does not protect employees from chemical process hazards associated with the highly hazardous chemical thionyl chloride by documenting that covered process equipment complies with recognized and generally accepted good engineering practices (RAGAGEP):

- (a) U-1 Forms (Manufacturer's Certificate of Compliance Covering Pressure Vessels) were not maintained for covered process reactors associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the De Dietrich reactor PC-501.
- (b) The employer does not document that glass piping used to process, transfer and separate out liquid materials associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the PC-501 glass process piping, complies with RAGAGEP.
- (c) The employer does not document that clamps used to connect glass piping and other reactor components associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the PC-501 process connections, comply with RAGAGEP.
- (d) The employer does not document that emissions ventilation and scrubber systems associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the PC-501 process emissions ventilation and scrubber system, comply with RAGAGEP.
- (e) The employer does not document that reactor steam heating systems (generation, delivery and end use) associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the PC-501 steam heating system, comply with RAGAGEP.

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: Fontarome Chemical, Inc.

Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

- (f) The employer does not document that reactor water cooling systems associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the PC-501 water cooling system, comply with RAGAGEP.
- (g) The employer does not document that reactor nitrogen gas supply systems associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the PC-501 nitrogen gas supply system, comply with RAGAGEP.
- (h) The employer does not document that thionyl chloride delivery systems (transfer hoses, pneumatic pumps, and additional bells) associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the PC-501 delivery systems comply with RAGAGEP.

Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.119(d)(3)(ii) under inspection number 332588, citation 01, item 002b, issued on September 28, 2012, and was affirmed as final order on or about October 23, 2012, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.

To abate this violation, the employer must document that covered process equipment complies with recognized and generally acceptable good engineering practices.

Pursuant to 29 CFR 1903.19, the employer must submit an abatement plan within 25 days of the final order date identifying the steps being taken to achieve abatement, including a schedule for completing abatement, and what it is doing to protect employees until abatement has been completed (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/23/2014



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

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

29 CFR 1910.119(e)(2): The employer does not conduct a process hazard analysis (PHA) using one of the established methodologies identified in 29 CFR 1910.119(e)(2)(i) through (vii):

The employer does not protect employees from chemical process hazards associated with the highly hazardous chemical thionyl chloride by using an established process hazard analysis methodology to conduct a thorough and complete process hazard analysis:

- (a) A 2012 process hazard analysis for covered processes utilizing thionyl chloride was conducted using a "Stepwise" procedure methodology along with a FMEA supplement for a portion of the covered process; charging thionyl chloride. The chosen process hazard analysis methodology fails to adequately address important elements including, but not limited to:
1. Reactivity hazards
 2. Loss of cooling water to reactors
 3. Loss of heating to reactors
 4. Loss of vacuum
 5. Excessive or prolonged heating during reaction
 6. Excessive or prolonged cooling during reaction
 7. Electrical power outages
 8. Wrong materials of construction
 9. Excessive agitation
 10. Insufficient agitation, no agitation, agitation delayed
 11. Inadequate cleaning or purging of equipment
 12. Controls to prevent mechanical failure of the emission ventilation and scrubber system (inadequate venting of off-gasses)
 13. Leaks in or failures of transfer piping, process piping, and associated connections
 14. Failure of glass lining in reactors

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: Fontarome Chemical, Inc.

Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

15. A range of all intended reactions (process chemistry / batch recipes) involving thionyl chloride
16. Deviations in process chemistry / batch recipes
17. Deviations in charging (double charging, charging too much, charging too fast, not charging enough, charging too slowly, not charging certain ingredients)
18. Inappropriate replacement of mechanical components / quality assurances
19. Deviations in safe upper / lower limits (temperatures, flows, pressures, compositions)
20. Deviations from intended operating procedures
21. Human factors
22. Facility siting
23. Previous incidents
24. Outside environmental impacts
25. Failure of steam piping
26. Chemical transfer and storage practices
27. The boundaries of the covered process(es)

Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.119(e)(2) under inspection number 332588, citation 01, item 003a, issued on September 28, 2012, and was affirmed as final order on or about October 23, 2012, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.

To abate this violation, the employer must complete a process hazard analysis using one or more of the methodologies listed in 29 CFR 1910.119(e)(2)(i)-(vi).

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

Inspection Number: 952515
Inspection Date(s): 12/16/2013 - 05/28/2014
Issuance Date: 06/04/2014



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

Pursuant to 29 CFR 1903.19, the employer must submit an abatement plan within 25 days of the final order date identifying the steps being taken to achieve abatement, including a schedule for completing abatement, and what it is doing to protect employees until abatement has been completed (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/23/2014
Proposed Penalty:	\$53900.00

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: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

29 CFR 1910.119(e)(5): The employer does not establish a system to promptly address the process hazard analysis team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolutions were documented; document what actions are to be taken, complete actions as soon as possible; develop a written schedule of when these actions are to be completed; communicate the actions to operating, maintenance, and other employees whose work assignments are in the process and who may be affected by the recommendations or actions:

The employer does not protect employees from chemical process hazards associated with the highly hazardous chemical thionyl chloride by developing and implementing systems to resolve process hazard analysis recommendations and act on them when appropriate:

- (a) A system was not established to ensure that process hazard analysis recommendations associated with covered processes utilizing thionyl chloride were resolved and acted on in a timely and appropriate manner.

Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.119(e)(5) under inspection number 332588, citation 01, item 003c, issued on September 28, 2012, and was affirmed as final order on or about October 23, 2012, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.

To abate this violation, the employer must establish a system to promptly address a process hazard analysis team's findings and recommendations; assure the recommendations are resolved in a timely manner and documented, document actions to be taken, complete actions as soon as possible, develop a written schedule of when actions are to be completed; and communicate actions to operating, maintenance and other affected employees whose work assignments are in the process.

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

Inspection Number: 952515
Inspection Date(s): 12/16/2013 - 05/28/2014
Issuance Date: 06/04/2014



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

Pursuant to 29 CFR 1903.19, the employer must submit an abatement plan within 25 days of the final order date identifying the steps being taken to achieve abatement, including a schedule for completing abatement, and what it is doing to protect employees until abatement has been completed (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 06/23/2014



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

29 CFR 1910.119(f)(1): The employer does not develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and addressing all elements in 29 CFR 1910.119(f)(1)(i)-(iv):

The employer does not protect employees from chemical process hazards associated with the highly hazardous chemical thionyl chloride by developing and implementing clear, comprehensive written operating procedures focused on safely conducting activities:

- (a) Operating procedures are not developed to account for all of the activities involved in setting up and running the reaction processes associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, PC-501 process equipment. Activities (phases) not addressed include, but are not limited to: addition of chemical batch ingredients involved in the various reactions; placing the reactor under vacuum; utilization of the cooling water system; utilization of the steam heating system; utilization of the emissions ventilation and scrubber system; utilization of the nitrogen gas supply system; draining aqueous solutions from the reactors, bell and water traps, and auxiliary equipment; bonding and grounding; transfer and storage of thionyl chloride, etc. Process instructions are delivered via manufacturing direction sets that focus on production parameters and not employee safety and health concerns.

Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standards 1910.119(f)(1), (f)(1)(i)[d], (f)(1)(i)[e] under inspection number 332588, citation 01, items 005a, 005b, and 005c issued on September 28, 2012, and was affirmed as final order on or about October 23, 2012, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standards 1910.119(f)(1)(i)[d], (f)(1)(ii), (f)(1)(iii)[b], and (f)(1)(iii)[c] under inspection number 307062885, citation number 01, item numbers 007, 008, 0009a and 009b, issued on January 05, 2006, and was affirmed as final order on or about January 30, 2005, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.

To abate this violation, the employer must develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process and that address steps for each operating phase, operating limits, safety and health considerations, and safety systems and their functions.

Pursuant to 29 CFR 1903.19, the employer must submit an abatement plan within 25 days of the final order date identifying the steps being taken to achieve abatement, including a schedule for completing abatement, and what it is doing to protect employees until abatement has been completed (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/23/2014
Proposed Penalty:	\$53900.00



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.

Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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

Citation 2 Item 4 a Type of Violation: **Willful**

29 CFR 1910.119(j)(4)(i): Inspections and tests are not performed on process equipment:

The employer does not protect employees from chemical process hazards associated with the highly hazardous chemical thionyl chloride by performing necessary mechanical integrity inspections and tests on covered process equipment listed in 29 CFR 1910.119(j)(1)(i)-(vi):

- (a) Inspections and tests are not being performed on glass product piping systems and glass addition bells associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, PC- 501 glass process piping and glass addition bells. Fitness-for-service and remaining life testing is not being performed.
- (b) Inspections and tests are not being performed on steam piping systems associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, PC-501 steam piping. Fitness-for-service and remaining life testing is not being performed.
- (c) Inspections and tests are not being performed on cooling water piping systems associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, PC-501 cooling water piping. Fitness-for-service and remaining life testing is not being performed.
- (d) Inspections and tests are not being performed on emissions ventilation and scrubber systems associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, PC-501 emissions scrubber components. Fitness-for-service and remaining life testing is not being performed.



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.

Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

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- (e) Inspections and tests are not being performed on pneumatic pump systems associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the PC-501 pneumatic transfer pump.
 - (f) Inspections and tests are not being performed on nitrogen gas supply systems associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the PC-501 nitrogen gas supply system. Fitness-for-service and remaining life testing is not being performed.

Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.119(j)(4)(i) under inspection number 332588, citation 01, item 008a, issued on September 28, 2012, and was affirmed as final order on or about October 23, 2012, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.

Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.119(j)(4)(i) under inspection number 307062885, citation number 01, item number 011, issued on January 05, 2006, and was affirmed as final order on or about January 30, 2005, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.

To abate this violation, the employer must perform inspections and tests on process equipment following recognized and generally accepted good engineering practices (RAGAGEP) and at a frequency consistent with such practices. Recognized and generally accepted good engineering practices may include documents such as, but not limited to API 570 "Piping Inspection Code: In-service Inspection, Rating, Repair, and Alteration of Piping Systems"; API 572 "Inspection of Pressure Vessels (Towers, Drums, Reactors, Heat Exchangers, and Condensers)"; API 574 "Inspection Practices for Piping System Components"; API 579 "Fitness-for-Service"; API 580 "Risk-Based Inspection"; API 683 "Quality Improvement Manual for Mechanical Equipment in Petroleum, Chemical, and Gas Industries (Pumps)"; API 598 "Valve Inspection and Testing"; and manufacturer's recommendations.

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

Inspection Number: 952515
Inspection Date(s): 12/16/2013 - 05/28/2014
Issuance Date: 06/04/2014



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

Pursuant to 29 CFR 1903.19, the employer must submit an abatement plan within 25 days of the final order date identifying the steps being taken to achieve abatement, including a schedule for completing abatement, and what it is doing to protect employees until abatement has been completed (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/23/2014
Proposed Penalty:	\$53900.00

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: Fontarome Chemical, Inc.

Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

Citation 2 Item 4 b Type of Violation: **Willful**

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

The employer does not protect employees from chemical process hazards associated with the highly hazardous chemical thionyl chloride by performing mechanical integrity inspections and tests on covered process equipment consistent with recognized and generally accepted good engineering practices:

- (a) Spark testing is not being performed on glass lined process reactors associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the De Dietrich reactor PC-501. The manufacturer advises for such testing on a six-month basis to ensure the integrity of the glass lining. Inspections and tests on reactors were limited to periodic visual inspections by maintenance staff.
- (b) Glass lining thickness testing is not being performed on glass lined process reactors associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the De Dietrich reactor PC-501. The manufacturer advises for such testing on a six-month basis to ensure the integrity of the glass lining. Fitness-for-service and remaining life testing is not being performed. Inspections and tests on reactors were limited to periodic visual inspections by maintenance staff.

*****Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standards 1910.119(j)(4)(i) and (ii) under inspection number 332588, citation 01, items 008a and 008b, issued on September 28, 2012, and was affirmed as final order on or about October 23, 2012, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.**



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.119(j)(4)(i) under inspection number 307062885, citation number 01, item number 011, issued on January 05, 2006, and was affirmed as final order on or about January 30, 2005, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.

To abate this violation, the employer must ensure that inspections and tests performed on process equipment follow recognized and generally accepted good engineering practices (RAGAGEP). Specifically, perform the spark testing and glass thickness testing as advised by the manufacturer.

Pursuant to 29 CFR 1903.19, the employer must submit an abatement plan within 25 days of the final order date identifying the steps being taken to achieve abatement, including a schedule for completing abatement, and what it is doing to protect employees until abatement has been completed (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/22/2014



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.

Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

Citation 2 Item 4 c Type of Violation: **Willful**

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

The employer does not protect employees from chemical process hazards associated with the highly hazardous chemical thionyl chloride by performing mechanical integrity inspections and tests on covered process equipment at frequencies consistent with applicable manufacturers' recommendations and recognized and generally accepted good engineering practices:

- (a) Visual inspections on reactors and reactor components associated with the synthesis of various chemical products using thionyl chloride as a reagent including, but not limited to, the De Dietrich reactor PC-501, do not occur at least once per six months as advised by the manufacturer. The most recent visual inspections on the De Dietrich reactors and components occurred on March 7, 2013. Prior to March 7, 2013, visual inspections occurred on February 6, 2010. Elements for routine and frequent inspections include, but are not limited to, mechanical seals, motor drives, vessel nozzle connections (gaskets, connecting bolts, connecting clamps), external jacket appearance, internal jacket appearance, and vessel jacket connections (agitating nozzles and relief valves).

Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standards 1910.119(j)(4)(i) and (ii) under inspection number 332588, citation 01, items 008a and 008b, issued on September 28, 2012, and was affirmed as final order on or about October 23, 2012, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.

Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.119(j)(4)(i) under inspection number 307062885, citation number 01, item number 011, issued on January 05, 2006, and was affirmed as final order on or about January 30, 2005, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

To abate this violation, the employer must ensure that the frequency of inspections and tests performed on process equipment are consistent with the applicable manufacturer's recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience. Specifically, perform visual inspections and tests every six months as advised by the manufacturer.

Pursuant to 29 CFR 1903.19, the employer must submit an abatement plan within 25 days of the final order date identifying the steps being taken to achieve abatement, including a schedule for completing abatement, and what it is doing to protect employees until abatement has been completed (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/23/2014



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.

Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

Citation 2 Item 5 Type of Violation: **Willful**

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

The employer does not protect employees from chemical process hazards associated with the highly hazardous chemical thionyl chloride by promptly responding to findings of a recent compliance audit, correct deficiencies identified in the audit, and document that deficiencies have been corrected:

- (a) An April 2013 compliance audit and needs assessment report commissioned by the employer under 29 CFR 1910.119(o) identified approximately 285 findings of deficiencies and recommendations in regard to the employer's compliance with 29 CFR 1910.119. The employer does not ensure that findings are responded to in a prompt fashion and does not ensure nor document that deficiencies are or have been corrected.

Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.119(o)(1) under inspection number 332588, citation 01, item 0012, issued on September 28, 2012, and was affirmed as final order on or about October 23, 2012, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.

To abate this violation, the employer must promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

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

Inspection Number: 952515
Inspection Date(s): 12/16/2013 - 05/28/2014
Issuance Date: 06/04/2014



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

Pursuant to 29 CFR 1903.19, the employer must submit an abatement plan within 25 days of the final order date identifying the steps being taken to achieve abatement, including a schedule for completing abatement, and what it is doing to protect employees until abatement has been completed (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2014
Proposed Penalty:	\$53900.00

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: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

Citation 2 Item 6 Type of Violation: **Willful**

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

The employer does not protect employees from unexpected energization or startup of machines and equipment, or release of stored energy by developing, documenting and utilizing machine/equipment specific energy control procedures:

- (a) Written machine/equipment specific energy control procedures are not developed, documented, and utilized for authorized personnel to follow when performing maintenance or servicing work on machines/equipment including but not limited to the reactors, emissions ventilation and scrubber system, steam system, hot oil system, chilled cooling water system, etc.

Fontarome Chemical Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.147(c)(4)(i) under inspection number 332588, citation 01, item 013, issued on September 28, 2012, and was affirmed as final order on or about October 23, 2012, with respect to a workplace located at 4170 S. Nevada Ave., Saint Francis, Wisconsin.

To abate this violation, the employer must develop, document, and utilize energy control procedures specific to machinery and equipment for the control of potentially hazardous energy when employees are engaged in servicing and maintenance of machines and equipment where unexpected energization (startup) or release of stored energy could cause injury to employees.

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

Inspection Number: 952515
Inspection Date(s): 12/16/2013 - 05/28/2014
Issuance Date: 06/04/2014



Citation and Notification of Penalty

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

Pursuant to 29 CFR 1903.19, the employer must submit an abatement plan within 25 days of the final order date identifying the steps being taken to achieve abatement, including a schedule for completing abatement, and what it is doing to protect employees until abatement has been completed (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/23/2014
Proposed Penalty:	\$42350.00

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: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235

Citation 2 Item 7 Type of Violation: **Willful**

29 CFR 1910.305(a)(2)(ii): Temporary wiring is not removed immediately upon completion of the project or purpose for which the wiring was installed:

The employer does not protect employees from hazards associated with the unnecessary use of temporary wiring:

- (a) Flexible electrical cables, electrical cords, and non-metallic sheathed cable installed as temporary fire restoration wiring within the mechanical pump/utility room is allowed to be used despite replacement wiring, conduit, equipment and funding being made available for its prompt replacement. The wiring is run through holes in walls and ceilings and is also attached to conductive piping runs, run supports, and other structures.

To abate this violation, the employer must remove and replace temporary wiring with fixed wiring in accordance with applicable codes and regulations.

Pursuant to 29 CFR 1903.19, the employer must submit an abatement plan within 25 days of the final order date identifying the steps being taken to achieve abatement, including a schedule for completing abatement, and what it is doing to protect employees until abatement has been completed (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/15/2014
Proposed Penalty:	\$53900.00

A handwritten signature in black ink, appearing to read "Christine Zortman".

Christine Zortman
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203
Phone: 414-297-3315 Fax: 414-297-4299



INVOICE / DEBT COLLECTION NOTICE

Company Name: Fontarome Chemical, Inc.
Inspection Site: 4170 S. Nevada Avenue, Saint Francis, WI 53235
Issuance Date: 06/04/2014

Summary of Penalties for Inspection Number	952515
Citation 1, Serious	\$64680.00
Citation 2, Willful	\$365750.00
TOTAL PROPOSED PENALTIES	\$430430.00

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 \$50,000 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.

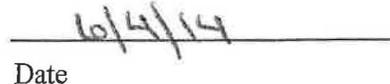
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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



Christine Zortman

Area Director



Date