

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 423
HONOLULU, HI 96813
Phone: (808) 586-9090 Fax: (808) 586-9104



Certified Mail Number: 7015 0640 0006 5929 9902

Citation and Notification of Penalty

To:
Jems Enterprises LLC
dba Hawaiian Ice
and its successors
1125 N Nimitz Hwy
Honolulu, HI 96817

Inspection Number: 1228047
Inspection Date(s): 04/26/2017-04/26/2017
Issuance Date: 10/17/2017

Inspection Site:
1125 N Nimitz Hwy
Honolulu, HI 96817

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 describes violations of the Hawaii Occupational Safety and Health (HIOSH) Law. The penalty listed herein is based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you file a contest in the manner described in the section "Employer's Right to Contest" on page 2 of this Citation and Notification of Penalty. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) which outlines your rights and responsibilities and which should be read in conjunction with this Citation. Issuance of this Citation does not constitute a finding that a violation of the Law has occurred unless there is a failure to contest as allowed by Law or, if contested, the Citation is affirmed by the Hawaii Labor Relations Board (HLRB) 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 State 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 HIOSH Administrator during the 20 calendar 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. If you are considering a request for an informal conference to

discuss any issues related to this Citation and Notification of Penalty, you must 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 Administrator within 20 calendar days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5, 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.

Employers' Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may also contest all citation items or only individual items. You may also contest the penalty and/or abatement dates without contesting the underlying violations. To contest you must submit a signed original letter of contest to the Administrator which must be postmarked or, if not mailed, received by the Administrator within 20 calendar days after you receive this Citation and Notification of Penalty. The letter of contest must be a signed original and may not be submitted by facsimile or e-mail. Address your letter of contest to the State of Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty. Once a letter of contest is received, it becomes the jurisdiction of the HLRB. If a timely contest is not filed, the Citation and Notification of Penalty will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency.

Penalty Payment - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number found on the front page on the remittance. HIOSH does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - For each violation which you do not contest, you are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the Citation. For Willful and Repeat violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the Citation is classified as Serious and the Citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the Citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: **1)** Your name and address; **2)** the inspection number (found on the front page); **3)** the citation and citation item number(s) to which the submission relates; **4)** a statement that the information is accurate; **5)** the signature of the employer or employer's authorized representative; **6)** the date the hazard was corrected; **7)** a brief statement of how the hazard was corrected; and **8)** a statement that affected employees and their representatives have been informed of the abatement. The law also requires a copy of all abatement verification documents, required by Section 12-51-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

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 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty.

Employer Rights and Responsibilities - The enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Employees' Right to Contest - 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 signed original contest must be mailed to the Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty and postmarked within 20 calendar days 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 inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. 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.

ABATEMENT CERTIFICATION

Company Name: Jems Enterprises LLC
Inspection Site: 1125 N Nimitz Hwy, Honolulu, HI 96817

Inspection Number: 1228047
Issuance Date: 10/17/2017

List the specific method of correction for each citation item and supporting documentation as appropriate in this **Citation and Notification of Penalty** that does not state "Corrected" and return to: **Department of Labor and Industrial Relations - Hawaii Occupational Safety and Health Division, 830 Punchbowl Street, Room 423, Honolulu, HI 96813.**

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

I attest that the information contained in this document is accurate and that the affected employees and their representative(s) have been informed of the abatement activities mentioned above and of their right to examine and copy this and all other abatement documents submitted to HIOSH.

Signature of the Employer or
Employer's Authorized Representative

Date

Typed or Printed Name

Title

Posting: For posting requirements please refer to Chapter 12-51, Hawaii Administrative Rules.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with the Hawaii Occupational Safety and Health Division (HIOSH) to discuss the Citation and Notification of Penalty issued on 10/17/2017.

The informal conference will be at the HIOSH office located at:

830 PUNCHBOWL STREET
ROOM 423
HONOLULU, HI 96813

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

State of Hawaii

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Hawaii Occupational Safety and Health Division

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Citation and Notification of Penalty

Company Name: Jems Enterprises LLC
Inspection Site: 1125 N Nimitz Hwy, Honolulu, HI 96817

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

HAR 12-60-2(a)(3): Every employer shall provide safe work places and practices by elimination or reduction of existing or potential hazards. Elimination of existing or potential hazards by design, process substitution, or other appropriate methods is preferred because it eliminates the need for further employee protection. When elimination is not feasible, reduction of existing or potential hazards to acceptable levels, using methods such as engineering or administrative controls, isolation, or guarding, shall be promptly used. When these methods are inadequate to reach acceptable levels, personal protective equipment shall be provided and used.

Establishment located at 1125 North Nimitz Highway Honolulu HI 96817 - The employer failed to provide a safe work place by reducing the hazardous exposure to anhydrous ammonia (estimated 7,000 pounds) used for their ice-making process. Employees tasked with on-site maintenance of this system were exposed to inhalation and fire hazards associated with anhydrous ammonia. Employee tasks include but were not limited to daily checks on the system, troubleshooting of the system, and oversight of the system.

On April 24, 2017 employees were identifying and repairing ammonia leaks when a release of 3900 pounds of anhydrous ammonia occurred. This resulted in the evacuation of employees and neighboring businesses in the area and the need for medical treatment of employees and the affected neighboring businesses. Previous to this event, a cumulative total close to 10,000 pounds (invoices from 2011 to 2015) of anhydrous ammonia was ordered by the employer and delivered to the aforementioned address. The inherent hazards associated with ammonia require such hazards to be controlled by way of engineering, administrative and work practice controls.

Feasible means of abatement that should have been in place prior to the ammonia leak include, ensuring the ease of access for employees trying to reach necessary components of the system. Ensuring that portable ammonia detection devices provide an accurate level of exposure in parts per million. Ensuring that work practices (lockout tagout) and procedures (standard operating procedures, management of change) utilized for handling ammonia carrying equipment are able to identify and minimize potential exposures. Ensuring that the relief design accounts for unexpected pressurizations. Ensuring that ventilation is able to expeditiously mitigate an ammonia leak in a responsive unattended fashion for all parts of the machinery room and drying room. Other feasible means of abatement include an adherence to the consensus standards referenced by the employer in their training and available documentation. RAGAGEP, Recognized Accepted Good Engineering Practices from consensus standards including but not limited to ANSI, ASHRAE and IIAR.

Date by Which Violation Must Be Abated: **11/20/2017**
Penalty: **\$7,700.00**

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 1228047
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Issuance Date: 10/17/2017



Citation and Notification of Penalty

Company Name: Jems Enterprises LLC
Inspection Site: 1125 N Nimitz Hwy, Honolulu, HI 96817

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

HAR 12-60-2(b)(2)(A)(i): The employer shall eliminate or control all existing and potential hazards within the workplace in a timely manner, using one or more of the following: Engineering and work practice controls designed to control employee exposures to safety and health hazards by modifying the source to reduce exposure.

Establishment located at 1125 North Nimitz Highway Honolulu HI 96817 - The employer failed to control hazards associated with anhydrous ammonia using work practice controls. On April 24, 2017, maintenance personnel attempted to repair several ammonia leaks throughout the plant. Isolation valves upstream and downstream of the Kelvion Subcooler were not isolated prior to troubleshooting. On April 24, 2017, the system released 3900 pounds of anhydrous ammonia off of this subcooler resulting in the evacuation of employees and neighboring businesses in the area and the need for medical treatment of employees and the affected members of the public. An automated valve downstream of the Kelvion Subcooler also was in the closed position allowing for hydro expansion of ammonia in the system.

Date by Which Violation Must Be Abated:
Penalty:

10/27/2017
\$7,700.00

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

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Citation and Notification of Penalty

Company Name: Jems Enterprises LLC
Inspection Site: 1125 N Nimitz Hwy, Honolulu, HI 96817

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

HAR 12-60-2(b)(3): Periodic inspections. The employer shall conduct periodic in house safety and health inspections so that new or previously missed hazards or failures in engineering, work practice, and administrative controls are identified. The inhouse inspections will be conducted by individuals who are trained to recognize hazardous conditions, as member of the safety and health committee or a person designated and trained by the employer for the facility’s safety and health program.

Establishment located at 1125 North Nimitz Highway Honolulu HI 96817 - The employer failed to ensure in house inspections were conducted on the refrigeration system. Daily checks performed on the system by Operators only focused on the operating parameters of the ammonia carrying system (pressure/temperature/production units) and not on new or previously missed hazards. On April 24, 2017 and times thereto, the mechanical ventilation systems associated with the ammonia refrigeration system had not been inspected. On April 24, 2017 and times thereto, no inspections were conducted to verify that the recent addition of the subcooler bypass system off of the suction accumulator contained downstream valves with the potential to trap liquid ammonia. On April 24, 2017 and times thereto, no verification was also given to account for adjoining areas to the machine room that may need emergency ventilation such as the HPR room with condensers and the drying room containing the evaporator fans.

Date by Which Violation Must Be Abated:
Penalty:

10/27/2017
\$7,700.00

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Citation and Notification of Penalty

Company Name: Jems Enterprises LLC
Inspection Site: 1125 N Nimitz Hwy, Honolulu, HI 96817

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

HAR 12-60-50(d)(1)(A): All employers shall measure, monitor, and record employee exposure to toxic materials or harmful physical agents. The measurement shall determine if any employee may be exposed to concentrations of the toxic materials or harmful physical agents at or above the permissible exposure limit. The determination shall be made each time there is a change in production, process, or control measures which could result in an increase in concentrations of these materials or agents. A written record of the determination shall be made and shall contain at least: (i) Any information, observations, or calculations that may indicate employee exposure to toxic or potentially toxic materials or harmful physical agents; (ii) Any measurements taken; (iii) Any employee complaints of symptoms that may be attributable to exposure to toxic or potentially toxic materials or harmful physical agents; (iv) Date of determination, work being performed at the time, location within work site, name, and social security number of each employee considered; and (v) Any other information that may be relevant to employee exposure.

Establishment located at 1125 N. Nimitz Highway - **The employer did not ensure that measuring devices were available and used by Operators who were exposed to anhydrous ammonia. On April 24, 2017, operators identifying and repairing leaks had no portable monitoring equipment to quantify ammonia exposures.** Operators used sulfur sticks as the direct indicating means to verify the presence of ammonia. Operators continued to identify and mitigate leaks using the sulfur sticks for a period of 60 minutes and longer. No quantifiable means were used to determine exposure levels of the workers repairing leaks on or about April 24, 2017 and times thereto.

Date by Which Violation Must Be Abated:
Penalty:

10/27/2017
\$7,700.00

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Department of Labor and Industrial Relations
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Citation and Notification of Penalty

Company Name: Jems Enterprises LLC
Inspection Site: 1125 N Nimitz Hwy, Honolulu, HI 96817

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

29 CFR 1910.28(b)(1)(i) [Refer to 12-60-50(a), HAR]: Except as provided elsewhere in this section, the employer must ensure that each employee on a walking working surface with an unprotected side or edge is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the following: Guardrail systems; Safety net systems; or Personal fall protection systems, such as personal fall arrest, travel restraint, or positioning systems.

Establishment located at 1124 N Nimitz Hwy - The employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level was protected from falling by a guardrail system, safety net system, travel restraint system or personal fall arrest system.

On April 24, 2017 and times thereto, work atop the drying room exposed employees to fall hazards to the lower levels. Floor to the top of the drying room height was in excess of 15 feet.

On April 24, 2017 employee worked atop a structural beam. Work included identifying and repairing leaks off the subcooler manifold off suction accumulator 2. Floor to the structural beam was in excess of 10 feet.

Date by Which Violation Must Be Abated: **10/27/2017**
Penalty: **\$7,700.00**

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

29 CFR 1910.38(f) [Refer to 12-60-50(a), HAR]: Review of emergency action plan. An employer must review the emergency action plan with each employee covered by the plan: When the plan is developed or the employee is assigned initially to a job; when the employees responsibilities under the plan change; and when the plan is changed.

Establishment located at 1125 North Nimitz Highway Honolulu HI 96817 - Several employees were not identified on the sign in sheet provided by the employer as having received training on the employer's emergency action plan. Employees were also identified as having changed job duties requiring those employees to be retrained, finally a copy of the original plan contained inaccurate information regarding personnel and amount of ammonia present on site. The failure to account for these changes affects the type and frequency of training needed.

Date by Which Violation Must Be Abated: **10/27/2017**
Penalty: **\$7,700.00**

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

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Citation and Notification of Penalty

Company Name: Jems Enterprises LLC
Inspection Site: 1125 N Nimitz Hwy, Honolulu, HI 96817

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

29 CFR 1910.120(q)(6)(ii) [Refer to 12-60-50(a), HAR]: First responder operations level. First responders at the operations level are individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures. First responders at the operational level shall have received at least eight hours of training or have had sufficient experience to objectively demonstrate competency in the following areas in addition to those listed for the awareness level and the employer shall so certify: Knowledge of the basic hazard and risk assessment techniques. Know how to select and use proper personal protective equipment provided to the first responder operational level. An understanding of basic hazardous materials terms. Know how to perform basic control, containment and/or confinement operations within the capabilities of the resources and personal protective equipment available with their unit. Know how to implement basic decontamination procedures. An understanding of the relevant standard operating procedures and termination procedures.

Establishment located at 1125 North Nimitz Highway Honolulu HI 96817- Maintenance personnel assigned with the task of overseeing the ammonia refrigeration system did not receive first responder operations level to commensurate with their expected roles during an ammonia release. Emergency shutdown procedures state possibility of personnel closing upstream and downstream valves to minimize a release. Such a role is intended to contain the release from a safe distance. The potential for exposure requires the maintenance personnel to evaluate their roles in light of a worst case scenario.

Date by Which Violation Must Be Abated: 10/27/2017
Penalty: \$7,700.00

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

29 CFR 1910.134(e)(1)[Refer to 12-60-50(a),HAR]: General. The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

Establishment located at 1125 North Nimitz Highway Honolulu HI 96817 - Employees tasked with using full face 3M respirators with OV cartridges did not have medical evaluations prior to donning respirators.

Date by Which Violation Must Be Abated: 10/27/2017
Penalty: \$7,700.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 1228047
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Issuance Date: 10/17/2017



Citation and Notification of Penalty

Company Name: Jems Enterprises LLC
Inspection Site: 1125 N Nimitz Hwy, Honolulu, HI 96817

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

29 CFR 1910.134(f)(2) [Refer to 12-60-50(a), HAR]: The employer shall ensure that an employee using a tight-fitting facepiece respirator is fit tested prior to initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter.

Establishment located at 1125 North Nimitz Highway Honolulu HI 96817 - Employees tasked with using full face 3M respirators with organic vapor cartridges did not have annual fit tests within the requisite time period.

Date by Which Violation Must Be Abated: **10/27/2017**
Penalty: **\$7,700.00**

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

29 CFR 1910.134(k)(4) [Refer to 12-60-50(a), HAR]: An employer who is able to demonstrate that a new employee has received training within the last 12 months that addresses the elements specified in paragraph (k)(1)(i) through (vii) is not required to repeat such training provided that, as required by paragraph (k)(1), the employee can demonstrate knowledge of those element(s). Previous training not repeated initially by the employer must be provided no later than 12 months from the date of the previous training.

Establishment locate at 1124 N Nimitz Hwy - **The employer did not ensure that employees tasked with using tight fitting respirators had received the annual training pursuant to paragraph (k). On April 24, 2017, several employees were noted to have not received the annual training within the required 12-month period from their previous training.**

Date by Which Violation Must Be Abated: **10/27/2017**
Penalty: **\$7,700.00**

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 1228047
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Issuance Date: 10/17/2017



Citation and Notification of Penalty

Company Name: Jems Enterprises LLC
Inspection Site: 1125 N Nimitz Hwy, Honolulu, HI 96817

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

29 CFR 1910.147 (c)(4)(i)[Refer to 12-60-50(a),HAR]: Procedures shall be developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section.

Note: Exception: The employer need not document the required procedure for a particular machine or equipment, when all of the following elements exist: (1) The machine or equipment has no potential for stored or residual energy or reaccumulation of stored energy after shut down which could endanger employees; (2) the machine or equipment has a single energy source which can be readily identified and isolated; (3) the isolation and locking out of that energy source will completely deenergize and deactivate the machine or equipment; (4) the machine or equipment is isolated from that energy source and locked out during servicing or maintenance; (5) a single lockout device will achieve a locked-out condition; (6) the lockout device is under the exclusive control of the authorized employee performing the servicing or maintenance; (7) the servicing or maintenance does not create hazards for other employees; and (8) the employer, in utilizing this exception, has had no accidents involving the unexpected activation or reenergization of the machine or equipment during servicing or maintenance.

Establishment located at 1125 North Nimitz Highway Honolulu HI 96817 - The employer did not develop, document, and utilize procedures for the control of anhydrous ammonia when employees were tasked with working on the subcooler manifold system off of suction accumulator 2. The lack of procedures to isolate anhydrous ammonia exposed those workers and nearby workers to inhalation hazards from the uncontrolled release of anhydrous ammonia on April 24, 2017.

Date by Which Violation Must Be Abated: **10/27/2017**
Penalty: **\$7,700.00**

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Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

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Citation and Notification of Penalty

Company Name: Jems Enterprises LLC
Inspection Site: 1125 N Nimitz Hwy, Honolulu, HI 96817

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

29 CFR 1910.147(c)(4)(ii)[Refer to 12-60-50(a),HAR]: The procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, the following: A specific statement of the intended use of the procedure; Specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy; Specific procedural steps for the placement, removal and transfer of lockout devices or tagout devices and the responsibility for them; and Specific requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

Establishment located at 1125 North Nimitz Highway Honolulu HI 96817 - There was no written procedure to address other energy sources associated with servicing of equipment including but not limited to conveyer belts and forklifts. The employer has procedures for LOTO associated with ammonia carrying equipment in the machine room, however only one LOTO procedure for electrical circuits for all other operations. Failure to account for other sources of hazardous energy such as mechanical (conveyors) and hydraulic (forklifts) energy potentially exposes employees to serious injury.

Date by Which Violation Must Be Abated: **10/27/2017**
Penalty: **\$7,700.00**

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

29 CFR 1910.147 (d)(4)(i)[Refer to 12-60-50(a)]: HAR Lockout or tagout devices shall be affixed to each energy isolating device by authorized employees.

Establishment located at 1125 North Nimitz Highway Honolulu HI 96817 - The employer did not affix energy isolating devices on upstream and downstream valves for a heat exchanger and check valve that maintenance employees were troubleshooting. On April 24, 2017, the heat exchanger bypass manifold area was the site of an uncontrolled release resulting in the release of 3900 pounds of anhydrous ammonia.

Date by Which Violation Must Be Abated: **10/27/2017**
Penalty: **\$7,700.00**

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Citation and Notification of Penalty

Company Name: Jems Enterprises LLC
Inspection Site: 1125 N Nimitz Hwy, Honolulu, HI 96817

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

29 CFR 1910.1200(h)(3) [Refer to 12-60-50(a), HAR]: Training. Employee training shall include at least. Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.); The physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area; The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and, The details of the hazard communication program developed by the employer, including an explanation of the labels received on shipped containers and the workplace labeling system used by their employer; the safety data sheet, including the order of information and how employees can obtain and use the appropriate hazard information.

Establishment located at 1125 North Nimitz Highway Honolulu HI 96817 - The employer did not ensure that employees not directly involved with the oversight of the ammonia refrigeration were aware of the physical and health hazards associated with anhydrous ammonia. Employees not directly involved with the oversight of the ammonia refrigeration were also not aware of emergency procedures and measures they could take to protect themselves in the event of an anhydrous ammonia release. Employees were also not aware of the physical characteristics of ammonia in that it is lighter than air and will generally migrate up. Employees were also not aware of the health effects of ammonia in particular the short-term exposure and 8 hour TWA limits for ammonia.

Date by Which Violation Must Be Abated: **10/27/2017**
Penalty: **\$7,700.00**

TIN SHING CHAO, Manager
Occupational Health Branch

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 423
HONOLULU, HI 96813
Phone: (808) 586-9090 Fax: (808) 586-9104



SUMMARY OF PENALTIES

Company Name: Jems Enterprises LLC
Inspection Site: 1125 N Nimitz Hwy, Honolulu, HI 96817
Issuance Date: 10/17/2017

Summary of Penalties for Inspection Number: 1228047

Citation 1 Item 1, Serious	\$ 7,700.00
Citation 1 Item 2, Serious	7,700.00
Citation 1 Item 3, Serious	7,700.00
Citation 1 Item 4, Serious	7,700.00
Citation 1 Item 5, Serious	7,700.00
Citation 1 Item 6, Serious	7,700.00
Citation 1 Item 7, Serious	7,700.00
Citation 1 Item 8, Serious	7,700.00
Citation 1 Item 9, Serious	7,700.00
Citation 1 Item 10, Serious	7,700.00
Citation 1 Item 11, Serious	7,700.00
Citation 1 Item 12, Serious	7,700.00
Citation 1 Item 13, Serious	7,700.00
Citation 1 Item 14, Serious	7,700.00

TOTAL PENALTIES: **\$107,800.00**

Make check or money order payable to the "**Director of Budget and Finance.**" Please indicate the *inspection number and dba, if company name is different, on the remittance.* A fee of \$25.00 will be charged for any returned checks.