

U.S. Department of Labor
Occupational Safety and Health Administration
17625 El Camino Real
Suite 400
Houston, TX 77058
Phone: 281-286-0583 Fax: 281-286-6352



Citation and Notification of Penalty

To:
Continental Mfg. Company, Inc., dba Navistar -
Continental Mixer
and its successors
9797 Old Galveston Rd.
Houston, TX 77035

Inspection Site:
9797 Old Galveston Rd
Houston, TX 77035

Inspection Number: 954003
Inspection Date(s): 01/08/2014 - 01/08/2014
Issuance Date: 06/03/2014

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 06/03/2014. The conference will be held by telephone or at the OSHA office located at 17625 El Camino Real, Suite 400, Houston, TX 77058 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 954003

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035
Issuance Date: 06/03/2014

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, 17625 El Camino Real, Suite 400, Houston, TX 77058**

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: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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

29 CFR 1910.95(b)(1): When employees were subjected to sound exceeding those listed in Table G-16, feasible administrative or engineering controls were not utilized:

a) At the facility, in the blast and prime area, a blaster was exposed to continuous noise levels at 883.4% of the allowable 8-hour time weighted average sound level (90 dBA). The equivalent dBA level of 883.4% is approximately 105.7 dBA. The sampling was performed for 324 minutes during one shift on January 8, 2014. Zero exposure was assumed for the unsampled period of time, 156 minutes.

b) At the facility, in the blast and prime area, a blaster was exposed to continuous noise levels at 723.2% of the allowable 8-hour time weighted average sound level (90 dBA). The equivalent dBA level of 723.2% is approximately 104.2 dBA. The sampling was performed for 333 minutes during one shift on January 8, 2014. Zero exposure was assumed for the unsampled period of time, 147 minutes.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/02/2014
Proposed Penalty:	\$5500.00



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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

29 CFR 1910.95(c)(1): The employer did not administer a continuing, effective hearing conservation program as described in 29 CFR 1910.9(c) through (o) whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level of 85 decibels measured on the A scale, or equivalently a dose of fifty percent:

- a) At the facility, in the blast and prime area, a blaster was exposed to continuous noise levels at 895.8% of the allowable 8-hour time weighted average sound level (85 dBA). The equivalent dBA level of 895.8% is approximately 105.8 dBA. The sampling was performed for 324 minutes during one shift on January 8, 2014. Zero exposure was assumed for the unsampled period of time, 156 minutes.
- b) At the facility, in the blast and prime area, a blaster was exposed to continuous noise levels at 735.4% of the allowable 8-hour time weighted average sound level (85 dBA). The equivalent dBA level of 735.4% is approximately 104.3 dBA. The sampling was performed for 333 minutes during one shift on January 8, 2014. Zero exposure was assumed for the unsampled period of time, 147 minutes.
- c) At the facility, in Parts 1 fabrication area, a grinder was exposed to continuous noise levels at 112.8% of the allowable 8-hour time weighted average sound level (85 dBA). The equivalent dBA level of 112.8% is approximately 90.8 dBA. The sampling was performed for 411 minutes during one shift on January 8, 2014. Zero exposure was assumed for the unsampled period of time, 69 minutes.
- d) At the facility, in the drum shop fabrication area, a welder/fitter was exposed to continuous noise levels at 73.71% of the allowable 8-hour time weighted average sound level (85 dBA). The equivalent dBA level of 73.71% is approximately 87.7 dBA. The sampling was performed for 379 minutes during one shift on January 8, 2014. Zero exposure was assumed for the unsampled period of time, 101 minutes.
- e) At the facility, in the drum shop fabrication area, a welder/fitter was exposed to continuous noise levels at 78.41% of the allowable 8-hour time weighted average sound level (85 dBA). The equivalent dBA level of 78.41% is approximately 88.2 dBA. The sampling was performed for 421 minutes during one shift on January 8, 2014. Zero exposure was assumed for the unsampled period of time, 59 minutes.

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: 954003
Inspection Date(s): 01/08/2014 - 01/08/2014
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

The employer should administer a continuing, effective hearing conservation program as described in 29 CFR 1910.9(c) through (o).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/03/2014
Proposed Penalty:	\$5500.00

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: 954003
Inspection Date(s): 01/08/2014 - 01/08/2014
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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

29 CFR 1910.106(e) (2) (iii): Drainage or other means to control spills was not provided in areas where flammable or combustible liquids were transferred from one tank or container to another container:

At the facility, in the blast and prime area: On or about February 25, 2014 Valspar R-Cure Flush Solvent, a flammable liquid, was dispensed from a storage drum to other containers with no secondary containment or means to control a spill, exposing employees to flammable liquid spill hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/03/2014
Proposed Penalty:	\$3300.00

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: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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

29 CFR 1910.107(b)(5)(i): The spraying operations was not designed, installed or maintained that the average air velocity over the open face of the booth (or booth cross section during spraying operations) shall be not less than 100 linear feet per minute. Visible gauges or audible alarm or pressure activated devices shall be installed to indicate or insure that the required air velocity is maintained. Filter rolls shall be inspected to insure proper replacement of filter media.

a) At the facility, in the blast and prime area: On or about January 8, 2014, the average primer spray booth cross section air velocity was 46.3 linear feet per minute, exposing employees to a flammable vapor hazard.

b) At the facility, in the finishing area: On or about January 8, 2014, the average finishing paint spray booth cross section air velocity was 51.8 linear feet per minute, exposing employees to a flammable vapor hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/03/2014
Proposed Penalty:	\$6600.00

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

Inspection Number: 954003
Inspection Date(s): 01/08/2014 - 01/08/2014
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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

29 CFR 1910.107(b) (5) (iv): Space within the spray booth on the downstream and upstream sides of filters were not protected with approved automatic sprinklers:

At the facility, in the finishing area: On or about January 8, 2014 the finishing paint spray booth used to apply flammable coatings was not equipped with a fire suppression system, exposing employees to a fire hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/03/2014
Proposed Penalty:	\$3300.00

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: 954003
Inspection Date(s): 01/08/2014 - 01/08/2014
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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

29 CFR 1910.132(a): Protective equipment was not maintained in a sanitary and reliable condition:

At the facility, in the blast and prime area: On or about January 8, 2014, personal protective equipment was used and not maintained in a reliable condition , such as but not limited to, blast hood apron, blast hood helmet and foot protection.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/03/2014
\$5500.00

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: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

- a) At the facility, in the paint finishing area: On or about January 8, 2014 employees required to wear 3M N95 filtering facepiece (dust mask) respirators during sanding of components were not medically evaluated to determine their ability to wear a respirator, exposing employees to cardio-pulmonary hazards.
- b) At the facility, in the paint finishing area: On or about January 8, 2014 employees required to wear 3M elastomeric half mask respirators during paint spraying of components outside the spray booth were not medically evaluated to determine their ability to wear a respirator, exposing employees to cardio-pulmonary hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/03/2014
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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

29 CFR 1910.1000(a) (2): Employee(s) were exposed to an airborne concentration of Particles Not Otherwise Classified (PNOC) Total Dust listed in Table Z-1 in excess of the 8 hour Time Weighted Average concentration of 15 mg/m³:

At the facility, in the blast and prime area: On or about January 8, 2014 a blaster was exposed to 144 mg/m³ Particles Not Otherwise Classified (PNOC) Total Dust as an 8-hour time weighted average concentration, approximately 9.6 times greater than the Permissible Exposure Limit of 15 mg/m³, exposing the employee to an inhalation hazard.

Among other methods, one feasible and acceptable abatement method to correct this hazard is to install or modify existing ventilation with capture velocity suitable to remove or reduce particulate concentration from the worker breathing zone during blasting in accordance with: (1) American Conference of Governmental Industrial Hygienists (ACGIH), Industrial Ventilation: A Manual of Recommended Practice, 22nd Edition, Cincinnati, Ohio, 1995; or (2) ANSI/AIHA Z9.4-2011, American National Standard Abrasive-Blasting Operations Ventilation and Safe Practices for Fixed Location Enclosures.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/03/2014

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

Inspection Number: 954003
Inspection Date(s): 01/08/2014 - 01/08/2014
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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

29 CFR 1910.134(i)(5)(iii): The compressor's sorbent bed and filters were not maintained and replaced or refurbished periodically as instructed by the manufacturer:

At the facility, in the blast and prime area: On or about December 4, 2014 the Air System International filters for the supply of breathing air to employees performing blasting were not maintained, exposing employees to inhalation and asphyxiation hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/03/2014
Proposed Penalty:	\$7000.00

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: 954003
Inspection Date(s): 01/08/2014 - 01/08/2014
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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

29 CFR 1910.134(i) (7): Oil lubricated compressor(s) used to supply breathing air did not have a high-temperature or carbon monoxide alarm(s) or both:

At the facility, in the blast and prime area: On or about December 4, 2014 the carbon monoxide sensor and alarm were inoperable when employees conducted blasting, exposing employees to an asphyxiation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/03/2014
Proposed Penalty:	\$7000.00

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: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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

29 CFR 1910.138(b): The employer did not base selection of appropriate hand protection on an evaluation of the performance characteristics of the hand protection relative to the tasks to be performed, conditions present, duration of use, and the hazards and potential hazards identified:

At the facility, in the prime and finish painting areas: On or about January 8, 2014 and times thereafter, gloves selected by the employer for use by painters spraying and mixing isocyanate based coatings and using solvent to clean the spray nozzles and components were not evaluated to determine performance characteristics for the work being performed and chemicals in use, exposing employees to a chemical absorption hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/03/2014
Proposed Penalty:	\$4400.00



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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 11 a Type of Violation: **Serious**

29 CFR 1910.1200(h) (2) (i): The employer did not provide information to the employees on the requirements of the Hazard Communication Standard 29 CFR 1910.1200:

At the facility, in the prime and finish paint areas: On or about January 8, 2014 employees using chemicals including isocyanate based paints, fillers, and flammable solvent were not provided information on the requirements of the Hazard Communication Standard, exposing employees to inhalation and absorption hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/03/2014
Proposed Penalty:	\$4400.00

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

Inspection Number: 954003
Inspection Date(s): 01/08/2014 - 01/08/2014
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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

29 CFR 1910.1200(h) (3) (ii): Employee training did not include the physical and health hazards of the chemicals in the work area:

At the facility, in the prime and finish paint areas: On or about January 8, 2014 employees using chemicals including isocyanate based paints, chemical fillers, and flammable solvent were not provided required information including the physical and health hazards of the chemicals, exposing employees to inhalation and absorption hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/03/2014

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: 954003
Inspection Date(s): 01/08/2014 - 01/08/2014
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.132(h) (1): The employer did not provide the protective equipment, including personal protective equipment (PPE), used to comply with this part, at no cost to employees.

At the facility, in the blast and prime area: On or about January 8, 2014 the employer required employees performing steel grit blasting of steel components to provide and pay for foot protection.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/03/2014
Proposed Penalty:	\$1100.00

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: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazards in the workplace; including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminant's chemical state and physical form:

- a) At the facility, in the finish painting area: On or about January 8, 2014 the employer did not make reasonable assessment of exposure to respirable dust of employees performing finish sanding of primed components to be painted, exposing employees to an inhalation hazard.

- a) At the facility, in the finish painting area: On or about January 8, 2014 the employer did not make reasonable assessment of exposure to paint chemical components of employees performing finish painting of components outside of the spray booth, exposing employees to an inhalation hazard.

- b) At the facility, in the prime and finish painting areas: On or about January 8, 2014 the employer did not make reasonable assessment of exposure to respirable dust of employees performing sanding of components, exposing employees to an inhalation hazard.

- c) At the facility, in the prime and finish painting areas: On or about January 8, 2014 the employer did not make reasonable assessment of exposure to isocyanates of employees performing mixing and spray painting using isocyanate containing coatings, exposing employees to an inhalation hazard.

- d) At the facility, in the blast and prime area: On or about January 8, 2014 the employer did not make reasonable assessment of exposure to respirable dust of employees performing steel grit blasting, exposing employees to an inhalation hazard.

- e) At the facility, in the Drum Fabrication Shop: On or about January 8, 2014 the employer did not make reasonable assessment of exposure to respirable fume of employees performing interior and exterior welding of steel drums, exposing employees to an inhalation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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: 954003
Inspection Date(s): 01/08/2014 - 01/08/2014
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

Date By Which Violation Must be Abated:
Proposed Penalty:

07/03/2014
\$1100.00

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: 954003
Inspection Date(s): 01/08/2014 - 01/08/2014
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

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

29 CFR 1910.134(d) (3) (iii) (B) (2): The employer did not include the basis for his the change schedule in the respirator program:

At the facility, in the prime and finish painting areas: On or about January 8, 2014 the employer did not establish a basis for chemical cartridge change schedule in the respirator program when employees were required to wear 3M half mask elastomeric respirators with chemical cartridges for spray painting outside of the booth, exposing employee to an inhalation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/03/2014
Proposed Penalty:	\$1100.00

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: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

Citation 2 Item 4 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(f) (2): Employee(s) using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator:

- a) At the facility, in the paint finishing area: On or about January 8, 2014 employees required to wear 3M N95 filtering facepiece (dust mask) respirators during sanding of components were not fit tested, exposing employees to an inhalation hazard.

- b) At the facility, in the paint finishing area: On or about January 8, 2014 employees required to wear 3M elastomeric half mask respirators during paint spraying of components outside the spray booth were not fit tested, exposing employees to an inhalation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/03/2014
Proposed Penalty:	\$1100.00

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

Inspection Number: 954003
Inspection Date(s): 01/08/2014 - 01/08/2014
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

Citation 2 Item 5 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(k) (1) (ii): The employer did not ensure that each employee could demonstrate knowledge of the limitations and capabilities of the respirator

At the facility, in the prime and finish painting areas: On or about January 8, 2014 employees required to use elastomeric and filtering facepiece air purifying respirators were not provided training on the proper use and limitations of the respirators, exposing employees to an inhalation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/03/2014
Proposed Penalty:	\$1100.00

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: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

Citation 2 Item 6 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(k)(6): The employer did not provide the basic advisory information on respirators, as presented in Appendix D of 29 CFR 1910.134, in written or oral format to employees who wear respirators when such use was not required by the employer:

At the facility, in the fabrication shops: On or about January 8, 2014 employees provided voluntary use filtering facepiece (dust mask) respirators for use when welding and grinding were not provided with Appendix D advisory information, exposing employees to an inhalation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/03/2014
Proposed Penalty:	\$1100.00



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035

Citation 2 Item 7 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(l) (1): Evaluations of the workplace were not conducted to ensure the written respiratory protection program was being effectively implemented:

At the facility, in the fabrication, blast, prime and painting areas: On or about January 8, 2014 the employer did not evaluate the workplace to ensure respiratory protection was effectively implemented, as evidenced by deficiencies in multiple program areas and lack of documentation including: training, cartridge change schedule basis, fit testing, medical evaluation, exposure assessment, and maintenance and condition of respiratory protection equipment, exposing employees to an inhalation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/03/2014
\$1100.00



Mark R. Briggs
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
17625 El Camino Real
Suite 400
Houston, TX 77058
Phone: 281-286-0583 Fax: 281-286-6352



INVOICE / DEBT COLLECTION NOTICE

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 Old Galveston Rd, Houston, TX 77035
Issuance Date: 06/03/2014

Summary of Penalties for Inspection Number	954003
Citation 1, Serious	\$59500.00
Citation 2, Other-than-Serious	\$7700.00
TOTAL PROPOSED PENALTIES	\$67200.00

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.



Mark R. Briggs

Area Director



Date