

U.S. Department of Labor
Occupational Safety and Health Administration
100 N. Broadway
Suite 470
Wichita, KS 67202
Phone: 316-269-6644 Fax: 316-269-6185



Citation and Notification of Penalty

To:
Innovia Films, Inc.
and its successors
6000 SE 2nd Street
Tecumseh, KS 66542

Inspection Number: 924097
Inspection Date(s): 07/29/2013 - 11/21/2013
Issuance Date: 01/28/2014

Inspection Site:
6000 SE 2nd Street
Tecumseh, KS 66542

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 01/28/2014. The conference will be held by telephone or at the OSHA office located at 100 N. Broadway, Suite 470, Wichita, KS 67202 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 924097

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542
Issuance Date: 01/28/2014

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, 100 N. Broadway, Suite 470, Wichita, KS 67202**

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

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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

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

29 CFR 1910.23(c)(1): No protection for open-sided floors, platforms, and runways was provided:

(a) Employee(s) connecting a metallic transfer hose on top of the Carbon Disulfide tanker were exposed to a fall hazard of approximately 12 feet due to no fall protection system being provided.

(b) Employee(s) using a wooden work platform on top of the Carbon Disulfide storage tanks to access the pressure / temperature gages, valves, and piping on the opposite side of the catwalk were exposed to a fall hazard of approximately 14 feet due to no fall protection system being provided.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:

03/13/2014

Proposed Penalty:

\$6300.00

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

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

29 CFR 1910.119(d)(2)(i)(A): The employer did not include a block flow diagram or simplified process flow diagram as part of process safety information concerning technology of the process.

At the facility the employer had not developed a block flow or simplified process flow diagram that was specific to the carbon disulfide, toluene, and tetrahydrofuran processes.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:	03/13/2014
Proposed Penalty:	\$4500.00

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

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

29 CFR 1910.119(d)(2)(i)(D): Safe upper and lower limits for such items as temperature, pressures, flows or compositions pertaining to the technology of the process were not compiled before conducting any process safety analysis required by this standard.

At the establishment the employer had not established safe upper and lower limits for temperature, pressures, and flows for the equipment / piping in the covered processes (carbon disulfide, toluene, tetrahydrofuran).

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:	03/13/2014
Proposed Penalty:	\$4500.00



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Company Name: Innovia Films, Inc.
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Citation 1 Item 3 b Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(vi): The process hazard analysis did not address human factors:

At the facility, the employer did not address the human factors such as, but not limited to the different units of measurement for temperature and pressure used in the Carbon Disulfide, Tetrahydrofuran, and Toluene processes. Temperature was measured in Fahrenheit or Celsius and pressure was measured in pounds per square inch or inches per water.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:

03/13/2014

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

29 CFR 1910.119(d)(2)(i)(E): An evaluation of the consequences of deviations, including those affecting the safety and health of employees.

At the facility the employer had not evaluated the consequences of deviation from the operating temperature, pressures, and flows for pressure vessels, piping, pumps and other equipment in the Carbon Disulfide, Tetrahydrofuran, and Toluene processes.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:	03/13/2014
Proposed Penalty:	\$4500.00

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

29 CFR 1910.119(d)(3)(i)(A): The employer did not complete a compilation of process safety information pertaining to the material of construction of equipment in the process:

The employer had not compiled the materials of construction process safety information for the equipment and piping in Carbon Disulfide, Toluene, and Tetrahydrofuran processes such as, but not limited to the following:

- (a) portable valve used to connect the metallic hose to the CS2 tanker
- (b) metallic hose used for the transfer of CS2
- (c) green toluene transfer hose
- (d) Dickerson transfer hose coupling
- (e) black coupler (brass) attachment on the end of the green flexible hose used to transfer toluene.
- (f) copper piping
- (g) CS2 piping
- (h) Toluene piping
- (i) THF piping
- (j) rupture disc for evaporator 374-1
- (k) flange gasket
- (l) CO2 flexible transfer hose in the Mix House
- (m) pressure relief valve on top of the pot still
- (n) pressure relief device for the Toluene / Tetrahydrofuran storage tanks
- (o) oil to oil heat exchanger
- (p) material used to repair the insulation on absorber #4

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

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

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

At the facility, the employer had not verified that the P&ID's were up to date and accurate for use by Innovia Films employee(s) and contractors for line breaks, equipment / piping replacement or repairs, and etc. Several piping circuits were evaluated and the following were noted:

- (a) Drawing FD955848-1 (document #7M) during the walk around a drain line was not drawn on the P&ID, missing was a candle filter that had 2 inlet pipe with ball valves, one outlet pipe with a ball valve to the process, one outlet pipe with a ball valve to the moat.
- (b) Drawing FD955848-1 (document #7M) process piping did not have line identifiers to indicate pipe size, material of construction, and etc.
- (c) Drawing FD955848-1 (document #7M) during the walk around flanges were observed before and after PV-118.
- (d) Drawing FD955848-1 (document #7M) during the walk around flanges were observed before and after PV-119.
- (e) Drawing FD955848-1 (document #7M) during the walk around a pipe reducer, flange, flanged F-1103, another flange, and a pipe enlarger before PV-1111 were observed but not drawn on the P&ID.
- (f) Drawing FD955848-1 (document #7M) during the walk around a ball valve at the end of a product line was observed on F-1103, but drawn on the P&ID.
- (g) Drawing FD955850 (document #7N) had no product line identifiers to indicate pipe size, material of construction, and etc.
- (h) Drawing FD955850 (document #7N) during the walk around a product line with a butterfly valve and a flange intersected the main line prior to entering the top of the primary cooling tower water

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condenser were observed, but not drawn on the P&ID.

- (i) Drawing FD955850 (document #7N) during the walk around 2 flanges were observed after the intersection of the main line prior to entering the top of the primary cooling tower water condenser, but not drawn on the P&ID.
- (j) Drawing FD955850 (document #7N) on the P&ID a pipe reducer was drawn on the process pipe line prior to entering the primary cooling tower water condenser, but during the walk around the pipe reducer was not observed.
- (k) Drawing FD955850 (document #7N) during the walk around the CS2 flush line for the primary cooling tower water condenser had an union and a gate valve observed, but not drawn on the P&ID.
- (l) Drawing FD955850 (document #7N) during the walk around the CS2 flush line directed toward the primary chilled water condenser had a flange and gate valve observed, but not drawn on the P&ID.
- (m) Drawing FD955850 (document #7N) during the walk around process piping exiting from the primary cooling tower water condenser and entering the primary chilled water condenser had the following not identified on the P&ID: flange, pipe enlarger, flange, pipe intersection with a closed gate valve, pressure gage, temperature gage, a second pipe intersection with a closed gate valve.
- (n) Drawing FD955850 (document #7N) on the P&ID, a $\frac{1}{2}$ process pipe line intersected the process piping between primary cooling tower water condenser to the primary chilled water condenser was not observed during the walk around.
- (o) Drawing FD955850 (document #7N) on the P&ID, the process pipe line between primary chilled water condenser and the entrainment separator had 2 flanges observed during the walk around, but not drawn on the P&ID.
- (p) A pipe reducer was drawn on drawing FD955850 (document #7N) between the primary decanter and the H2O tank, but was not observed during the walk around.
- (q) A quarter inch CS2 product line intersecting the main product line for the primary decanter had a

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flange that was not drawn on P&ID FD955850 (document #7N).

(r) Process piping from the second decanter intersecting the product line for the entrainment separator to the absorber column was not observed during the walk around, but drawn on P&ID drawing FD955850 (document #7N).

(s) Rich oil piping line from the absorber column to the rich oil pump had the following not drawn on P&ID drawing

(t) FD955850 (document #7N), but observed during the walk around: a pipe reducer, flange, a pipe intersecting the line with a gate valve with a hose fitting attached at the end, flange, pipe enlarger after the gate valve, then another flange.

(u) Rich oil tank piping to the rich oil pump had the following not drawn on the P&ID drawing FD955850 (document #7N), but observed during the walk around: a pipe reducer and 2 flanges.

(v) A half inch pipe line intersecting the main product line exiting the rich oil pump was capped during the walk around, but not drawn on the P&ID drawing FD955850 (document #7N).

(w) A half inch pipe line intersecting the main product line exiting the spare oil pump as drawn on P&ID drawing FD955850 (document #7N) was not observed during the walk around.

(x) The main product line exiting the spare oil pump did not have a gate valve as drawn on P&ID drawing FD955850 (document #7N) was not observed during the walk around.

(y) The main product line leading to the spare oil pump had a capped line intersection prior to the gate valve that was not drawn on P&ID drawing FD955850 (document #7N).

(z) The main product line exiting the absorber column had a line intersecting with a closed valve attached at the end and a pipe enlarger prior to the 4-way selector valve, this was observed during the walk around, but not drawn on the P&ID drawing FD955850 (document #7N).

(aa) Piping exiting the vacuum pump in CS2 recovery had the following observed during the walk

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around, but not drawn on the P&ID drawing FD955850 (document #7N): a pipe reducer, no gate valve as drawn on the P&ID, a gate valve was found after the water separator, 2 flanges, another gate valve, a pipe line that intersected the main product line with a gate valve prior to the remote pilot valve, then another flange before a second intersection, (at the second intersection) one direction had 2 flanges, a ball valve, and another flange before heading to the stack; the other direction had 2 flanges, a ball valve, and another flange before heading to the flare.

(bb) Piping exiting the rich oil pump in CS2 recovery had the following observed during the walk around, but not drawn on the P&ID drawing FD955850 (document #7N): a flange before the pipe enlarger, then an intersection line with a pressure gage, a ball valve, and a flange.

(cc) Piping exiting the rich oil pump in CS2 recovery had the following observed during the walk around, but not drawn on the P&ID drawing FD955850 (document #7N): after the pressure gage intersection line, a flange was observed on the main product line before the second intersection line that was capped which included 2 flanges and a ball valve; after the second intersection on the main product line another ball valve was observed.

(dd) Product line to spare oil pump in CS2 recovery had a half inch pipe line that intersected the main product line to the spare oil pump; the $\frac{1}{2}$ inch pipe line had a flange, ball valve, and was capped as observed during the walk around, but not drawn on P&ID drawing FD955850 (document #7N).

(ee) The product line exiting the lean oil pump had a capped intersecting line (with a flange) and a pressure gage line (with a ball valve and flange) as observed during the walk around, but not drawn on the P&ID drawing FD955850 (document #7N).

(ff) A quarter inch line intersecting the product piping exiting the lean oil pump had a closed ball valve that was going to an unknown location on the P&ID drawing FD955850 (document #7N) was not observed during the walk around.

(gg) Drawing FD850530 (document #7P) has incomplete process piping identification numbering system. All of the product line identifiers have question marks at the end of the line identifiers.

(hh) Drawing FD850530 (document #7P) during the walk around of product line 1.5-SS316-?-? there

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were no flanges drawn on the P&ID for the following areas:

- No flange symbol after BV-1069
- Between BV-1069 and BV-1070 there were two pipe lines with flanges that intersected this product line
- A flange was observed before SV-1801?
- Two flanges were observed between SV-1801? and BV-1012
- Before and after BV-1012, flanges were observed

(ii) Drawing FD850530 (document #7P) during the walk around of product line 1.5-SS316-?-?, a gate valve was observed between BV-1069 and BV-1070, but not drawn on the P&ID.

(jj) Drawing FD850530 (document #7P) has a product line exiting the process tank (K-1004) has no product line identifiers.

(kk) Drawing FD850530 (document #7P) a line exiting the process tank (K-1004) ends at BV-1047? on the P&ID, but during the walk around the following was noted: a flange with piping was attach to BV-1047?, there was another unknown valve that was attached to the product line that ended inside the water moat.

(ll) Drawing FD850530 (document #7P) during the walk around of product line 1.5-SS316-?-?, a second unknown line intersected the process piping after BV-1047? that had a ball valve and hose fitting, but not drawn on the P&ID.

(mm) Drawing FD850530 (document #7P) during the walk around of product piping 1.5-SS316-?-? that was exiting the process tank (K-1004), a flange was observed before and after SV-1003?, but not drawn on the P&ID.

(nn) Drawing FD850530 (document #7P) during the walk around of product piping 1.5-SS316-?-? that was exiting the process tank (K-1004), a flange was observed before and after P-1003?, but not drawn on the P&ID.

(oo) Drawing FD850530 (document #7P) during the walk around of product piping 1.5-SS316-?-? that

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was exiting the process tank (K-1004), a flange was observed before and after P-1004?, but not drawn on the P&ID.

(pp) Drawing FD850530 (document #7P) during the walk around of product piping 1.5-SS316-?-? that was exiting the process tank (K-1004), a flange was observed before and after SV-1003?, but not drawn on the P&ID.

(qq) Drawing FD850530 (document #7P) during the walk around of product piping 1.5-SS316-?-? that was exiting the process tank (K-1004), a ball valve was observed on the piping to PS1002, but not drawn on the P&ID.

(rr) Drawing FD850530 (document #7P) during the walk around of product piping 1.5-SS316-?-? that was exiting the process tank (K-1004) intersected an unlabeled pipe line to the CBX had 17 flanges, but not drawn on the P&ID.

(ss) Drawing FD850530 (document #7P) during the walk around of product piping 1.5-SS316-?-? from P-1003? there were 16 flanges observed on the pipe line heading back to process tank (K-1004), but not drawn on the P&ID.

(tt) Drawing FD850530 (document #7P) during the walk around of product piping 1.5-SS316-?-? from P-1004? there were 16 flanges observed on the pipe line heading back to process tank (K-1004), but not drawn on the P&ID.

(uu) Drawing FD850530 (document #7P) during the walk around of product piping 1.5-SS316-?-? BV-1057 was flanged, but not drawn on the P&ID.

(vv) Drawing FD850530 (document #7P) during the walk around of product piping 1.5-SS316-?-?, a flange was observed after BV-1052, but not drawn on the P&ID.

(ww) Drawing FD850530 (document #7P) during the walk around of product piping 1.5-SS316-?-?, a flange was observed after BV-1024, but not drawn on the P&ID.

(xx) Drawing FD850530 (document #7P) during the walk around of product piping 1.5-SS316-?-?, a

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flange was observed after BV-1026, but not drawn on the P&ID.

(yy) Drawing FD850530 (document #7P) on the P&ID process piping 2-SS316-?-? exits process tank (K-1004), but does not indicate where it was going.

(zz) Valve 99 drawn on P&ID drawing FD-95926X9 for mixer #1 was not observed during the walk around, but drawn on the P&ID.

(aaa) Gate valve 136 on P&ID drawing FD-95926X9 was observed during the walk around, but not drawn on the P&ID.

(bbb) During the walk around of the product piping for Mixer #1, product pipe was observed attached after pressure gage (872-20.02P), but not drawn on the P&ID.

(ccc) The product pipe attached after pressure gage (872-20.02P) for Mixer #1 intersected the drum line piping that was observed during the walk around, but not drawn on the P&ID.

(ddd) Product pipe line LS to blender #3 on the P&ID was observed during the walk around to headed toward a 3-way valve that sends product to blenders #1, #2, or #3, this was not drawn on the P&ID.

(eee) Drum line piping for mixer #2 was not drawn on the P&ID, but observed during the walk around.

(fff) During the walk around product line 3 P118 before ball valve 89 was capped, but not drawn on the P&ID.

(ggg) During the walk around a product line intersecting product line 3 P118 after ball valve 89 was capped, but not drawn on the P&ID.

(hhh) During the walk around a product line below mixer #4 after the 4x3 reducer, gate valve 21 was observed, but not drawn on the P&ID.

(iii) During the walk around a product line below mixer #3 had a level indicator that was not drawn on the P&ID.

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: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

(jjj) During the walk around of product piping below mixer #3 a ball valve was observed on the product line after the strainer, but was not drawn on the P&ID.

(kkk) During the walk around of product piping below mixer #3 after the ball valve there were 2 pipe lines that intersected the main product line, one of the intersecting pipe lines had a closed valve and the other intersecting line was routed back to the top of mixer #3.

(lll) During the walk around the product line below mixer #3 after the strainer was intersected by the drum line, but was not drawn on the P&ID.

(mmm) During the walk around of product piping below blender #2 a ball valve was observed, but not drawn on the P&ID.

(nnn) During the walk around of product line 2 P118 at the top of blender #2 had a missing flange, pipe reducer, and 3 additional flanges not drawn on the P&ID.

(ooo) During the walk around of product piping below bath filter #2 after the MLS, a pipe intercepted the line with a closed valve that was not drawn on the P&ID.

(ppp) Bypass line leading to the pump has a strainer with a gate valve, this strainer was after closed gate valve 7 on drawing TRC1CTG 103, this was observed during the walk around, but not drawn on the P&ID.

(qqq) A pipe reducer was observed on the bypass line after the wye-strainer on the bypass line on drawing TRC1CTG 103, but not drawn on the P&ID.

(rrr) A pipe reducer was observed on the bypass line before closed ball valve 7 during the walk around, but not drawn on the P&ID TRC1CTG 103.

(sss) After a check valve on the re-circulating line for drawing TRC1CTG 103, a rotameter with a drain valve was observed on the walk around, but not drawn on the P&ID.

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: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

(ttt) A pipe reducer and flange were observed on the product line prior to spring valve 17 on drawing TRC1CTG 103.

(uuu) A ball valve was observed on the product line after the coating bath pump prior to a piping intersection, but was not drawn on the P&ID for drawing TRC1CTG 103.

(vvv) A bypass line attached to a ball valve was observed after the coating bath pump to a line intersection between a 3-way valve and ball valve #8 this was not drawn on the P&ID TRC1CTG 103.

(xxx) Between a 3-way valve and spring loaded valve #17, a ball valve with a hose attachment was observed, but not drawn on the P&ID drawing TRC1CTG 103.

(yyy) In the coating department the product line to the bath supply header before solenoid valve (AO:951-26LV) had the following not drawn on the P&ID TRC1CTG 103: a locked closed ball valve, ball valve, wye strainer, ball valve, pressure gage, and a pipe reducer.

(zzz) After the solenoid valve (AO: 951-26LV) on the product line, a pipe enlarger was observed, but was not drawn on the P&ID TRC1CTG 103 .

(aaaa) Bypass line from the bath supply header had a pipe reducer before a ball valve and a pipe reducer after the wye strainer, but not drawn on the P&ID TRC1CTG 103.

(bbbb) Product line exiting the dip tank did not have the following drawn on the P&ID TRC1CTG 103: 2 flanges prior to a check valve, a ball valve with a pipe line flanged closed, basket strainer with a pipe line, closed ball valve, a ball valve after basket strainer with a pipe line flanged closed, then flanges before and after the product pump.

(cccc) Between the quarter inch orifice and the partial open all the time ball valve, there was a pressure gage that was not drawn on the P&ID TRC1CTG 103 .

(dddd) After the partial open all the time ball valve a check valve, then a rotameter with a drain valve leading up to the 3-way valve were not drawn on the P&ID TRC1CTG 103.

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: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

(eeee) Secondary fan product lines with ball valves to all 5 adsorbers were not found during the walk around, but drawn on the P&ID FD 951811X4.

(ffff) Recycled toluene cooler (heat exchanger) drawn on P&ID FD 951811X4 was not found during the walk around.

(gggg) Wet column vessel had 3 temperature probes that were not drawn on P&ID FD 951811X4.

(hhhh) Water tower condenser had a temperature probe attached that was not drawn on P&ID FD 951811X4.

(iiii) Piping for the cooler was removed from service before 1998, but continue to be drawn on P&ID FD 951811X4.

(jjjj) Toluene condenser was out of service and was piped around before 1998, but was not drawn on P&ID FD 951811X4.

(kkkk) A werk water storage vessel had a pressure relief valve with a flame arrester observed during the walk around, but not drawn on P&ID FD 951811X4.

(llll)A tower water heater exchanger drawn on P&ID FD 951811X4 was not observed during the walk around.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:

03/13/2014

Proposed Penalty:

\$6300.00

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

Inspection Number: 924097
Inspection Date(s): 07/29/2013 - 11/21/2013
Issuance Date: 01/28/2014



Citation and Notification of Penalty

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

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

29 CFR 1910.119(d)(3)(i)(D): The employer did not include, in the process safety information compilation, the relief system design and the design basis

At the facility the employer had not developed nor implemented a relief system design or design basis for the equipment in the Carbon Disulfide, Toluene, and Tetrahydrofuran processes. The employer had no pressure relief device design calculations for the pot still kettle, batch still kettle, and other pressure vessels in the covered processes.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:

03/13/2014

Proposed Penalty:

\$6300.00

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: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

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

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

At the facility the employer has welded on the #2 evaporator, evaporator 374-1, adsorber #1, adsorber #2, adsorber #3, and adsorber #5. The employer has also welded new nozzles on the CBX vessels without following any type of welding procedure or using welders qualified to weld on pressure vessels. The following pressure vessels were put into service in the Carbon Disulfide / Tetrahydrofuran / Toluene processes without documenting the equipment complied with the American Society of Mechanical Engineers Boiler & Pressure Vessel Code:

- (a) #2 evaporator contains steam / acid
- (b) evaporator 374-1 contains steam, acid, Carbon Disulfide
- (c) CBX #1, #2, and #3 contains Carbon Disulfide
- (d), adsorber #1, #2, #3, and #5 contains Tetrahydrofuran / Toluene

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/13/2014
\$6300.00



Citation and Notification of Penalty

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

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

29 CFR 1910.119(e)(5): The employer did not establish a system to assure that the recommendations were resolved in a timely manner and that the resolution was documented.

(a) At the facility the employer had not established a system to promptly address all the findings and recommendations from the 2008 and 2012 process hazard analysis for the Carbon Disulfide process.

(b) At the facility the employer had not established a system to promptly address all the findings and recommendations from the 2012 process hazard analysis for the Tetrahydrofuran and Toluene processes.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated: 03/13/2014
Proposed Penalty: \$4500.00



Citation and Notification of Penalty

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

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

29 CFR 1910.119(f)(1): The employer did 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:

(a) At the facility employees using the standard operating procedures to operate equipment in the Carbon Disulfide, Toluene, and Tetrahydrofuran processes were exposed to health hazards due to the following elements not being included:

- 1) temporary operations
- 2) emergency operations
- 3) start-up following an emergency shut down
- 4) operating limits
- 5) consequences of deviations
- 6) steps to required to correct of avoid deviations

(b) At the facility the employer did not document the Toluene / Tetrahydrofuran contractor participation in the unloading of these chemicals into storage tanks.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated: 03/13/2014
Proposed Penalty: \$6300.00



Citation and Notification of Penalty

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

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

29 CFR 1910.119(g)(3) The employer shall ascertain that each employee involved in operating a process has received and understood the training required by this paragraph. The employer shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

At the establishment the employer had not provided training on the process safety management manual for all employee(s) working in the Carbon Disulfide, Tetrahydrofuran, and Toluene processes.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated: 03/13/2014
Proposed Penalty: \$6300.00



Citation and Notification of Penalty

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

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

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

At the establishment the employer had not obtained and evaluated all of the contractor's safety performance and programs for the Toluene and Tetrahydrofuran processes. The driver of a contractor participated in the unloading of flammable chemicals into storage tanks.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/13/2014
\$6300.00



Citation and Notification of Penalty

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

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

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

- a) The employer did not develop and implement a written mechanical integrity procedure that addressed inspecting pressure vessels and piping.
- b) The employer did not develop a written mechanical integrity procedure for corrosion under the insulation inspections for pressure vessels and piping.
- c) The employer did not develop a written integrity procedure to determine the safe operation of equipment such as pressure vessels and piping after a temporary repair has been made.
- d) The employer did not develop a written integrity procedure to monitor and recommend follow-up inspections on equipment such as pressure vessels or piping that are operating with a deficiency.
- e) The employer did not develop a written integrity procedure to address anomalous reading pertaining to metal thickness in pressure vessels and piping.
- f) The employer did not develop a written integrity procedures for addressing foundation supports, pipe racks, and metal to metal corrosion.
- g) The employer did not develop a written integrity procedures for addressing emergency shut down systems and safety critical controls such as monitoring devices, sensors, alarms, and safety interlocks.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

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: 924097
Inspection Date(s): 07/29/2013 - 11/21/2013
Issuance Date: 01/28/2014



Citation and Notification of Penalty

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

Date By Which Violation Must be Abated:
Proposed Penalty:

03/13/2014
\$6300.00

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: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

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

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

At the facility the employer did not perform inspections and tests on process equipment and piping in the Carbon Disulfide, Tetrahydrofuran, and Toluene processes such as, but not limited to the following:

- a) primary condenser 372-1
- b) primary brine condenser 372-3
- c) oil cooler for lean oil 373-16
- d) oil to oil heat exchanger 373-9
- e) secondary condenser water cooled 373-37
- f) secondary brine condenser 373-19
- g) final condenser 374-7
- h) final product storage tank 375-15
- i) final product tank 375-2
- j) evaporator 374-1
- k) distillation column (purification column)
- l) oil stripper column 373-10

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: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

- m) CBX tanks 1, 2, & 3
- n) adsorber condenser 1, 1253-1
- o) adsorber condenser #2, 1253-2
- p) calandria wet solvent still 1279-11
- q) wet solvent still column 1279-5
- r) wet solvent still condenser 1279-6
- s) heat exchanger 2001-6
- t) exchanger continuous still condenser 1277-6-0
- u) exchanger adsorber condenser cooler 1253-5
- v) exchanger batch still product cooler 1278-10
- w) continuous still column 1277-5
- x) adsorber tanks 1,2,3,4,5
- y) pot still kettle
- z) dry solvent calandria 1278-5
- aa) mixers 1,2,3,&4
- bb) nitro cellulose solvent adjustment tank 871-7-0
- cc) blender tanks 1,2,3,4,5,6,7,8

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: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

- dd) toluol supply tank 804-10-0
- ee) THF supply tank 804-08-0
- ff) THF supply tank 804-04-0
- gg) steam separator 7010-3
- hh) heat exchanger 7019-3, spiral tube
- ii) heat exchanger 7025-6, shell & tube
- jj) heat exchanger 7020-2
- kk) cuno filter 7020-3
- ll) pressure relief valves for the carbon disulfide storage tanks
- mm) Carbon Disulfide piping
- nn) Toluene piping
- oo) Tetrahydrofuran piping

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

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

Inspection Number: 924097
Inspection Date(s): 07/29/2013 - 11/21/2013
Issuance Date: 01/28/2014



Citation and Notification of Penalty

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/13/2014
\$6300.00

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: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

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

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

At the facility the employer had not implemented the management of change program to address changes to the Carbon Disulfide, Toluene, and Tetrahydrofuran processes; there has been several changes to the processes such as but not limited to the following:

- (a) The employer submitted document # 38 / 39 for changing the pressure relief valve setting from 7 psi to 30 psi; the document is incomplete in that the employer did state whether or not the change was permanent or just a temporary change; changes to the operating procedure; no training to staff about the change; the financial impact section indicated to be evaluated; sections for hazard analysis, process safety update, SAP master data update, flow sheets, P&IDs, and etc., were not addressed; no signatures for safety, environmental, quality, maintenance, purchasing, department manager, and plant manager sections were not signed off; the section for follow-up / review report completed and management of completion were not addressed nor signed off. Document #38/39 also does not designate which pressure relief valve was changed.
- (b) The employer did not have any documentation for the removal of piping above the north process tank at CS2 recovery.
- (c) The employer had plastic wrapped around the CBX line on the south side of CS2 Recovery building, the plastic was secured in place by duct tape.
- (d) The employer replaced solid pipe flanges that were damaged by corrosion with a clamp style flange throughout the facility.
- (e) No management of change for changing blender #4 into a storage tank.
- (f) Process pipe line 101 and a pressure relief valve were removed for mixer #2.

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: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

- (g) Product lines 53, 107, and 114 were removed from the bottom of Mixer #4
- (h) Incident report #10-018 dated 4/26/10 for extending the drip leg with hard pipe and the relocation of the drip leg valve on CBX vent line.
- (i) Incident report #10-025 dated 05/27/10 for putting each exhaust fan on their own independent motor starter and bucket.
- (j) Incident report #10-054 dated 10/12/10 for installing low pressure cooling tower alarm and pressure gage.
- (k) For attaching a rubber hose to the bottom piping of the water still condenser
- (l) For attaching a copper tubing to the vapor line of the Adsorber condenser raw oil vessel
- (m) For the installation of a new bleach line in the Casting department
- (n) Changing the Toluene / Tetrahydrofuran rubber gasket to Teflon gaskets for transferring chemical to the storage tanks.
- (o) For placing a wooden plank on top of the Carbon Disulfide storage tanks.
- (p) For placing hose clamps on on the 2 inch product pipe line on the #1 dissolver.
- (q) Using a water line to cool down the Carbon Disulfide process tank pump.
- (r) For replacing the old pressure gage (0 - 60 psi) with a new pressure gage (0 - 160 psi) for the Carbon Disulfide process tank pump.
- (s) Heat exchanger was not found during walk around for the purification column.
- (t) Steam separator noted on the P&ID had been removed

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

U.S. Department of Labor
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Issuance Date: 01/28/2014



Citation and Notification of Penalty

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated: 03/13/2014
Proposed Penalty: \$6300.00

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: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

Citation 1 Item 16 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.

The employer did not conduct a complete incident investigation on the following:

- (a) At the facility the employer did not conduct an incident investigation for the 2 process pipe leaks for the #1 Dissolver, the piping contained a mixture of Toluene and Tetrahydrofuran.
- (b) At the facility the employer did not conduct an incident investigation for the CBX 1 vessel damage that required a welding repair, the vessel contained Carbon Disulfide.
- (c) At the facility the employer did not conduct an incident investigation for the CBX 2 vessel damage that required a welding repair, the vessel contained Carbon Disulfide.
- (d) At the facility the employer did not conduct an incident investigation for the CBX 3 vessel damage that required a welding repair, the vessel contained Carbon Disulfide.
- (e) At the facility the employer did not conduct an incident investigation for the #1 evaporator damage that required a welding repair, the vessel contained Carbon Disulfide, steam, and acid.
- (f) At the facility the employer did not conduct an incident investigation for the #2 evaporator damage that required a welding repair, the vessel contained steam and acid.
- (g) At the facility the employer did not conduct an incident investigation for the north process tank to determine why it can no longer hold any type of pressure. The pressure vessel was underwater, inside a moat containing Carbon Disulfide.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(c)(1) requires certification that the abatement for the above violation is

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: 924097
Inspection Date(s): 07/29/2013 - 11/21/2013
Issuance Date: 01/28/2014



Citation and Notification of Penalty

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/13/2014
\$6300.00

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: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

Citation 1 Item 17 Type of Violation: **Serious**

29 CFR 1910.119(m)(5): The employer shall establish a system to promptly address and resolve the incident report findings and recommendations:

At the establishment the employer did not establish a system to promptly address, resolve incident report findings, and recommendations. The following incidents / accidents / near misses had action items that were not completed:

- (a) Incident report #10-008 dated 3/14/10: recommendations were not followed nor documented, no follow-up investigation to determine the root cause.
- (b) Incident report #10-008 dated 4/26/10: no completion dates for any of the corrective actions, no follow-up investigation to determine the root cause, no investigation team member sign off & date, no final sign off & date, the incident report was not documented to whom prepared it.
- (c) Incident report #10-023 dated 5/11/10: no corrective actions, no follow-up investigation to determine the root cause, no investigation team members sign off & date, no final sign off & date, the incident report was not documented to whom prepared it.
- (d) Incident report #10-025 dated 5/27/10: no completion date for corrective action, no investigation team members sign off & date, no final sign off & date.
- (e) Incident report #10-038 dated 9/07/10: no investigation team members sign off & date, no final sign off & date.
- (f) Incident report #10-043 dated 9/22/10: no documentation of initial notifications, no investigation team members sign off & date, no final sign off & date, the incident report was not documented to whom prepared it
- (g) Incident report #9002 dated 1/10/09: no follow-up investigation to determine the root cause, no correction actions to be taken, no final signatures after all sections have been completed.

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: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

- (h) Incident report #9003 dated 1/10/09: no follow-up investigation to determine the root cause, no correction actions to be taken, no final signatures after all sections have been completed.
- (i) Incident report number not documented dated 2/15/11: no supervisor description of incident, no follow-up investigation to determine the root cause, no corrective actions completion date, no investigation team members sign off & date, no final sign off & date, the incident report was not documented to whom prepared it.
- (j) Incident report number not documented dated 6/13/11: no employee description of incident, no documentation of contributing factors, no follow-up investigation to determine the root cause, no corrective actions documentation, no investigation team members sign off & date, no final sign off & date.
- (k) Incident report number not documented dated 8/5/11: no supervisor description of incident, no documentation of contributing factors, no follow-up investigation to determine the root cause, no corrective actions documentations, no investigation team members sign off & date, no final sign off & date, the incident report was not documented to whom prepared it.
- (l) Incident report number not documented dated 9/26/11: no employee description of incident, no documentation of contributing factors, no follow-up investigation to determine the root cause, no corrective actions documentations, no investigation team members sign off & date, no final sign off & date, the incident report was not documented to whom prepared it.
- (m) Incident report number not documented dated 3/18/13: no documentation of contributing factors, no follow-up investigation to determine the root cause, no corrective actions documentations, no investigation team members sign off & date, no final sign off & date.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(c)(1) requires certification that the abatement for the above violation is complete.

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: 924097
Inspection Date(s): 07/29/2013 - 11/21/2013
Issuance Date: 01/28/2014



Citation and Notification of Penalty

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

Date By Which Violation Must be Abated:
Proposed Penalty:

03/13/2014
\$6300.00

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: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

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 18 a Type of Violation: **Serious**

29 CFR 1910.119(o)(1): 29 CFR 1910.119(o)(1): The employer did not certify that they had evaluated compliance with provisions of 29 CFR 1910.119 at least every three years to verify that the procedures and practices developed under this standard were adequate and are being followed:

At the facility the employer did not complete a compliance audit every 3 years for the Carbon Disulfide, Toluene, and Tetrahydrofuran processes to determine if the procedures and practices covered by the process safety management standard were being followed.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete..

Date By Which Violation Must be Abated: 03/13/2014
Proposed Penalty: \$6300.00



Citation and Notification of Penalty

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

Citation 1 Item 18 b Type of Violation: **Serious**

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

(a) The employer had not documented corrective actions pending or taken in relation to each of the deficiencies noted below from the 2008 compliance audit for the Carbon Disulfide process, such as but not limited to the following:

1) No documentation of broad employee participation in the 2008 process hazard analysis revalidation.

2) No written procedure for the control of contractor movement on the site.

3) The facility does not document contractor employee's identification, dates of training and adequacy of training.

(b) The employer had not documented corrective actions pending or taken in relation to each of the deficiencies noted in the 2012 compliance audit for the Carbon Disulfide, Tetrahydrofuran, Toluene processes.

(c) The employer had not conducted a compliance audit for the Tetrahydrofuran and Toluene processes to evaluate the employer's compliance with process safety management.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:

03/13/2014

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

Inspection Number: 924097
Inspection Date(s): 07/29/2013 - 11/21/2013
Issuance Date: 01/28/2014



Citation and Notification of Penalty

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542

Citation 1 Item 19 Type of Violation: **Serious**

29 CFR 1910.132(a): Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers was not provided, used, and/or maintained:

Employee(s) working in the Carbon Disulfide, Toluene, or Tetrahydrofuran processes were not provided with fire retardant clothing while operating, performing preventive maintenance / maintenance, or responding to leaks of extremely flammable vapors.

Employee(s) were exposed to release of extremely flammable vapors to atmosphere that historically result in fire / explosion hazards leading to injury and death to persons in the workplace.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement for the above violation is complete.

Date By Which Violation Must be Abated:

03/13/2014

Proposed Penalty:

\$6300.00

A handwritten signature in black ink, appearing to read "Judy Freeman".

Judy Freeman
Area Director

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
100 N. Broadway
Suite 470
Wichita, KS 67202
Phone: 316-269-6644 Fax: 316-269-6185



INVOICE / DEBT COLLECTION NOTICE

Company Name: Innovia Films, Inc.
Inspection Site: 6000 SE 2nd Street, Tecumseh, KS 66542
Issuance Date: 01/28/2014

Summary of Penalties for Inspection Number	924097
Citation 1, Serious	\$112500.00
TOTAL PROPOSED PENALTIES	\$112500.00

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.

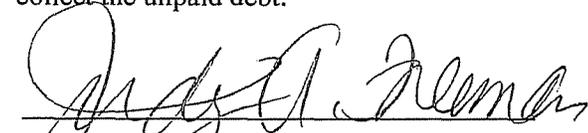
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Judy Freeman
Area Director



Date