

U.S. Department of Labor
Occupational Safety and Health Administration
46 E. Ohio Street
Room 453
Indianapolis, IN 46204
Phone: 317-226-7290 Fax: 317-226-7292



Citation and Notification of Penalty

To:
MVBS Jeffersonville
5804 Utica Pike
Jeffersonville, IN 47130

Inspection Number: 1006497
Inspection Date(s): 11/05/2014 - 11/05/2014
Issuance Date: 03/13/2015

Inspection Site:
5804 Utica Pike
Jeffersonville, IN 47130

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:

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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 03/13/2015. The conference will be held by telephone or at the OSHA office located at 46 E. Ohio Street, Room 453, Indianapolis, IN 46204 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1006497

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130
Issuance Date: 03/13/2015

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, 46 E. Ohio Street, Room 453, Indianapolis, IN 46204**

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

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

Inspection Number: 1006497
Inspection Date(s): 11/05/2014 - 11/05/2014
Issuance Date: 03/13/2015



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1910.303(b)(7)(iv): There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating.

(a) On or about November 3, 2014, an electrical receptacle in Storage Shed Number 1 had overheated which resulted in the melting and burning of the receptacle. The receptacle continued to be utilized, exposing employees to possible burns, electrical shock or death by electrocution.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2015
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: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1910.304(b)(4)(ii)(B): Where connected to a branch circuit supplying two or more receptacles or outlets, a receptacle may not supply a total cord- and plug-connected load in excess of the maximum specified in Table S-4; and Table S-5.

(a) On or about November 3, 2014, in Storage Building 1, extensive electrical equipment was plugged into a power strip and single receptacle causing an overload and exceeding the voltage class and current for which it was rated. Employees were exposed to burns, electrical shock, and possible death by electrocution.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/08/2015
Proposed Penalty:	\$6300.00



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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 1910.305(a)(2)(x): Flexible cords and cables were not protected from accidental damage, as might be caused, for example, by sharp corners, projections, and doorways or other pinch points.

(a) On or about November 5, 2014, employees were exposed to possible electrical shock, or electrocution at the entrance of the maintenance shed due to an electrical cable running from the fuel tanks through the bottom of the steel door to the electrical outlets inside the shed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/17/2015
Proposed Penalty:	\$3600.00

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

Inspection Number: 1006497
Inspection Date(s): 11/05/2014 - 11/05/2014
Issuance Date: 03/13/2015



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords or cables may not be used: As a substitute for the fixed wiring of a structure.

(a) On or about November 3, 2014, at the fuel tank area, flexible cords were being utilized as permanent wiring in order to power the fuel pumps. Employees were exposed to possible burns, electrical shock or death by electrocution.

Date By Which Violation Must be Abated:

04/08/2015

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: 1006497
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Issuance Date: 03/13/2015



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1917.26(d)(1): There shall be available for each vessel being worked one Stokes basket stretcher, or its equivalent, permanently equipped with bridles for attaching to the hoisting gear.

(a) On or about November 3, 2014, the employer did not have Stokes basket stretcher, or its equivalent on or around the dock or facility area. In the event of an emergency rescue requirement, the lack of the required Stokes basket stretcher could cause severe injury or even death to employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/29/2015
\$3600.00

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: 1006497
Inspection Date(s): 11/05/2014 - 11/05/2014
Issuance Date: 03/13/2015



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1917.45(f)(1)(i): Crane and derrick operating controls shall be clearly marked, or a chart indicating their function shall be posted at the operator's position.

(a) On or about November 3, 2014, the controls on the Mantioc crane were not marked as required. This hazard could result in improper usage, resulting in injury to employees from being struck by moving parts.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/29/2015
\$4500.00

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: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1918.22(f): If the foot of a gangway is more than one foot (.30 m) away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with a hand rail with a minimum height of approximately 33 inches (.84 m) with mid-rails on both sides.

(a) On or about November 3, 2014, the gangway leading from the dock to the barge was bent and not flush with the barge. Employees were exposed to falls from elevation which could cause broken bones, being caught between the dock and barge and death by drowning.

(b) On or about November 3, 2014, the gangway leading from the dock to the barge was missing a hand rail. Employees were exposed to falls from elevation which could result in broken bones, being caught between the dock and the barge and death by drowning.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/08/2015
Proposed Penalty:	\$6300.00

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

Inspection Number: 1006497
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Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1918.37(a): Walking shall be prohibited along the sides of covered lighters or barges with coamings or cargo more than five feet (1.52 m) high unless a three-foot (.91 m) clear walkway or a grab rail or taut hand line is provided.

(a) On or about November 3, 2014, on the containment barge, the hand line provided for employees was damaged and not maintained in a taut manner. Employees were exposed to possible falls leading to serious injury, broken bones, or even death by drowning.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2015
Proposed Penalty:	\$4500.00

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

Inspection Number: 1006497
Inspection Date(s): 11/05/2014 - 11/05/2014
Issuance Date: 03/13/2015



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1918.55(c)(1): Accessible areas within the swing radius of the body of a revolving crane or within the travel of a shipboard gantry crane shall be physically guarded or other equally effective means shall be taken during operations to prevent an employee from being caught between the body of the crane and any fixed structure, or between parts of the crane. Verbal warnings to employees to avoid the dangerous area do not meet this requirement.

(a) On or about November 3, 2014, a Mantioc crane permanently mounted on an access barge was not physically guarded or other equally effective means within the swing radius to prevent employees from being caught between the body of the crane and any fixed structure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2015
Proposed Penalty:	\$3600.00

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Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

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

29 CFR 1904.29(b)(1): What do I need to do to complete the OSHA 300 Log? You must enter information about your business at the top of the OSHA 300 Log, enter a one or two line description for each recordable injury or illness, and summarize this information on the OSHA 300-A at the end of the year.

(a) On or about November 3, 2014, on Block F of the OSHA 300 Log of Work Related Injuries and Illnesses Form, it did not specifically address the objects or substances that directly injured or made the employee ill.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/25/2015
\$900.00

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

Inspection Number: 1006497
Inspection Date(s): 11/05/2014 - 11/05/2014
Issuance Date: 03/13/2015



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1904.30(a): The employer did not keep a separate OSHA 300 Log for each establishment that was expected to be in operation for one year or longer:

a) On or about November 5, 2014, the OSHA 300 Log for this location was provided by the employer. However, it was noted that the same log was being utilized for two different establishments.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/29/2015

A handwritten signature in black ink that reads "Vanessa L. Martin". The signature is written in a cursive style and is positioned above the printed name and title.

Vanessa L. Martin
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
46 E. Ohio Street
Room 453
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Phone: 317-226-7290 Fax: 317-226-7292



INVOICE / DEBT COLLECTION NOTICE

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130
Issuance Date: 03/13/2015

Summary of Penalties for Inspection Number	1006497
Citation 1, Serious	\$38700.00
Citation 2, Other-than-Serious	\$900.00
TOTAL PROPOSED PENALTIES	\$39600.00

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.

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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

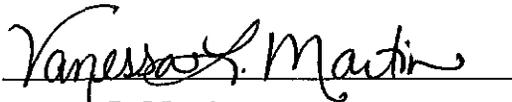
account, the bank will attempt to make the transfer up to 2 times.

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.

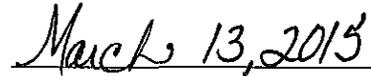
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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



Vanessa L. Martin

Area Director



Date

U.S. Department of Labor
Occupational Safety and Health Administration
46 E. Ohio Street
Room 453
Indianapolis, IN 46204
Phone: 317-226-7290 Fax: 317-226-7292



Citation and Notification of Penalty

To:
MVBS Jeffersonville
5804 Utica Pike
Jeffersonville, IN 47130

Inspection Number: 1006711
Inspection Date(s): 11/05/2014 - 11/05/2014
Issuance Date: 03/13/2015

Inspection Site:
5804 Utica Pike
Jeffersonville, IN 47130

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.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1006711

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130
Issuance Date: 03/13/2015

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, 46 E. Ohio Street, Room 453, Indianapolis, IN 46204**

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: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1910.101(b): Section 3.2.1, Compressed Gas Association Pamphlet P1-1965, as adopted by 29 CFR 1910.101(b): Where removable caps were provided for valve protection, such caps were not kept on cylinders when they were not in use:

a) On or about November 5, 2014, alongside the road leading to the dock area, a cylinder of fuel gas, which was identified by the employer as polypropylene gas, was stored without the removable cap for valve protection, exposing employees to potential impact injuries from the cylinder if the valve were damaged.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2015
Proposed Penalty:	\$2700.00

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

Inspection Number: 1006711
Inspection Date(s): 11/05/2014 - 11/05/2014
Issuance Date: 03/13/2015



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) 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) On or about November 15, 2014, the employer had failed to identify the hazards in the workplace to which employees are exposed. The hazards included welding on painted surfaces within enclosed and confined spaces such as wing tanks and other void spaces. Also painting surfaces using chemicals such as methyl ethyl ketone, potentially exposing employees to respiratory and central nervous system health hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2015
Proposed Penalty:	\$5400.00

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: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

a) On or about November 5, 2014, the employer had not developed a worksite specific program explaining how training would be accomplished, how proper labeling would be completed and maintained, and how the employer would ensure that safety data sheets were present. The employees were exposed to welding, painting, and cleaning chemicals.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/29/2015
Proposed Penalty: \$3600.00

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

Inspection Number: 1006711
Inspection Date(s): 11/05/2014 - 11/05/2014
Issuance Date: 03/13/2015



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1910.1200(e)(1)(i): The employer did not complete a list of the hazardous chemicals known to be present using a product identifier that was referenced on the appropriate safety data sheet

a) On or about November 5, 2014, the employer had not developed a list of the hazardous chemicals that were used for painting, welding and cleaning. Employees were exposed to contact and inhalation hazards related to the use of methyl ethyl ketone.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/29/2015

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: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1915.12(e): The employer neither established a shipyard rescue team nor arranged for an outside rescue team to respond promptly to a request for rescue service:

a) On or about November 5, 2014, in the barge spaces, entry was made into seven vessels during October, 2014, some of these were AGS216B, DRS444, and T13637 wing tanks and other voids by the welder/supervisor in order to perform welding. The facility did not have its own rescue service and had not made arrangements with the fire department to perform rescue in confined and enclosed spaces. Employees were exposed to asphyxiation hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2015
Proposed Penalty:	\$4500.00



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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 5 a Type of Violation: **Serious**

29 CFR 1915.152(b)(4): The employer failed to document an occupational hazard assessment which should have included: Occupations involved in the survey, the date in which the survey took place and the name of the person who performed the hazard assessment:

a) On or about November 5, 2014, throughout the facility, the employer had failed to perform a personal protective equipment hazard assessment. The employer had made a general list of personal protective equipment to be worn, but each job had not been assessed. Employees were exposed to eye, skin and other contact hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/29/2015
Proposed Penalty: \$3600.00



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1915.157(a): The employer did not ensure that employees used appropriate hand protection or protective clothing when exposed to hazards such as skin absorption of harmful substances, severe cuts, lacerations, abrasions, punctures, chemical burns, thermal burns, harmful temperature extremes, and sharp objects:

a) On or about November 5, 2014, at the barges, employees were exposed to chemical absorption into skin while painting. Employees wear medical grade latex gloves while applying a variety of paints, primers and thinners while painting the barges, which includes methyl ethyl ketone. The latex gloves were not evaluated for use with chemicals. Incorrect usage of gloves exposed employees to dermatitis and central nervous system damage.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/29/2015



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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 6 a Type of Violation: **Serious**

29 CFR 1915.502(a): A written fire safety plan was not been developed and implemented by the employer that covered all of the actions necessary to ensure the employees safety in the event of a fire:

a) On or about November 5, 2014, the employer had not developed a fire safety plan for the terminal. A written plan had not been developed to identify fire hazards, alarm and evacuation procedures, how employees report hazards and fires and other fire safety related hazards. Employees were exposed to flammables from painting, welding, and electrical hazards, potentially exposing employees to burn hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/29/2015
Proposed Penalty: \$6300.00

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

Inspection Number: 1006711
Inspection Date(s): 11/05/2014 - 11/05/2014
Issuance Date: 03/13/2015



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1915.502(c)(2): The employer did not review the fire safety plan upon initial assignment for new employees:

a) On or about November 5, 2014, the employer had not developed a fire safety plan for the terminal. The fire safety plan had not been reviewed with employees. Employees were exposed to flammables from painting, welding, and electrical hazards, potentially exposing employees to burn hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/29/2015

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: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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 1915.505(a)(2): A written fire response policy was not created, maintained and updated:

a) On or about November 5, 2014, the employer had not developed a written fire response policy. Multiple fires have occurred at the location, and were extinguished by employees. Employees were exposed to asphyxiation and burns.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2015
Proposed Penalty:	\$6300.00



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1915.508(d)(8): The training that involved live fire response exercises were not conducted in accordance with NFPA 1403-2002:

a) On or about November 5, 2014, the employer had not performed live fire response exercises. The training was limited to a video and toolbox talk on how to use the fire extinguisher. Multiple fires had occurred at the facility which had been put out by the employees using fire extinguishers. The lack of training potentially exposed employees to asphyxiation and burns.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/29/2015



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1917.26(b): A first aid kit and at least one person holding a valid first aid certificate were not at the terminal when work was in progress:

a) On or about November 5, at the terminal, the employer performs barge cleaning. The employer had not provided a person with a valid first aid certificate at the terminal when work was in progress. While the tugboats, from this facility, had personnel with a valid first aid certificate, they were not normally at the terminal during work. Employees were exposed to increased injuries due to untrained personnel.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2015
Proposed Penalty:	\$2700.00

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

Inspection Number: 1006711
Inspection Date(s): 11/05/2014 - 11/05/2014
Issuance Date: 03/13/2015



Citation and Notification of Penalty

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130

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

29 CFR 1917.26(d)(1): Stretchers were not permanently equipped with bridles for attaching to the hoisting gear:

a) On or about November 5, 2014, at the MVBS dock, a Stoke's basket was not present to aid in the removal of injured employees from the dock and barge area, potentially exposing employees to further injury.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/29/2015
\$2700.00

A handwritten signature in black ink that reads "Vanessa L. Martin". The signature is written in a cursive style and is positioned above a horizontal line.

Vanessa L. Martin
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
46 E. Ohio Street
Room 453
Indianapolis, IN 46204
Phone: 317-226-7290 Fax: 317-226-7292



INVOICE / DEBT COLLECTION NOTICE

Company Name: MVBS Jeffersonville
Inspection Site: 5804 Utica Pike, Jeffersonville, IN 47130
Issuance Date: 03/13/2015

Summary of Penalties for Inspection Number	1006711
Citation 1, Serious	\$37800.00
TOTAL PROPOSED PENALTIES	\$37800.00

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.

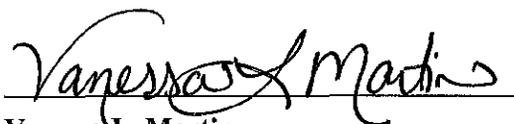
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

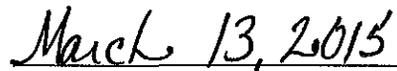
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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



Vanessa L. Martin

Area Director



Date