

U.S. Department of Labor
Occupational Safety and Health Administration
Dr. A.H. McCoy Federal Bldg. 100 West Capitol Street
Suite 749
Jackson, MS 39269
Phone: 601-965-4606 Fax: 601-965-4610



Citation and Notification of Penalty

To:
Mississippi Phosphates Corporation
and its successors
PO Box 848
Pascagoula, MS 39567

Inspection Number: 439251
Inspection Date(s): 05/22/2012 – 11/19/2012
Issuance Date: 11/20/2012

Inspection Site:
601 Industrial Rd.
Pascagoula, MS 39581

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 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.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action – For each violation which you do not contest, you 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 11/20/2012. The conference will be held at the OSHA office located at Dr. A.H. McCoy Federal Bldg. 100 West Capitol Street, Suite 749, Jackson, MS 39269 on _____ at _____ . Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 439251

Company Name: Mississippi Phosphates Corporation
Inspection Site: 601 Industrial Rd., Pascagoula, MS 39581
Issuance Date: 11/20/2012

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, Dr. A.H. McCoy Federal Bldg. 100 West Capitol Street, Suite 749, Jackson, MS 39269**

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: Mississippi Phosphates Corporation
Inspection Site: 601 Industrial Rd., Pascagoula, MS 39581

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

OSH ACT of 1970 Section (5)(a)(1):

The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to a struck -by hazard while starting up a steam turbine that was not protected against over pressurization by an operational pressure relief valve.

(a) On or about May 22, 2012, in the Sulfuric Acid Plant #2, employees attempting a startup of a steam turbine were struck by flying metal debris when the turbine housing ruptured due to an over-pressurization from 550 psi steam.

Among other methods, one feasible and acceptable method to correct this hazard would be to comply with the maintenance and servicing instructions contained in ASME Boiler and Pressure Vessel Code, Section UG-125 and 126 for installing overpressure protection in the form of relief valves. Mississippi Phosphate has implemented a mechanical integrity program that reference how MPC will inspect and maintain relief valves at their facility.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/07/2013
\$7000.00



Citation and Notification of Penalty

Company Name: Mississippi Phosphates Corporation
Inspection Site: 601 Industrial Rd., Pascagoula, MS 39581

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

OSH ACT of 1970 Section (5)(a)(1):

The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were expose to a steam turbine housing rupture while starting a back-up steam turbine that was not maintained in s serviceable condition.

(a) On or about May 21, 2012, in the Sulfuric Acid Plant #2, employees attempting a startup of a steam turbine were exposed to burns from live steam of 550 psi when the turbine housing ruptured due to an apparent over-pressurization from 550 psi steam. The steam turbine used as a backup boiler feed water pump drive had not been used for an extended period for more than two years.

Among other methods, one feasible and acceptable method to correct this hazard would be to comply with the requirements of the maintenance and startup instructions contained in the Elliott, Type YR Turbines manufacturer's instruction book. Employer's compliance with "Starting and Stopping" procedures contained on Pages 5 and 6 and the "Routine Inspection and Operation Emergency and Standby Units" instruction contained on Page 7 of the manufacturer's manual could prevent future maintenance related incidents.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/07/2013
\$7000.00

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

Inspection Number: 439251
Inspection Date(s): 05/22/2012 – 11/19/2012
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Citation and Notification of Penalty

Company Name: Mississippi Phosphates Corporation
Inspection Site: 601 Industrial Rd., Pascagoula, MS 39581

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

29 CFR 1910.24(h):

"Railings and handrails." Standard railings shall be provided on the open sides of all exposed stairways and stair platforms. Handrails shall be provided on at least one side of closed stairways preferably on the right side descending. Stair railings and handrails shall be installed in accordance with the provisions of 1910.23.

(a) On or about June 14, 2012 five riser stairway at the converter was not equipped with standard handrails.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/26/2012
Proposed Penalty:	\$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: 439251
Inspection Date(s): 05/22/2012 – 11/19/2012
Issuance Date: 11/20/2012



Citation and Notification of Penalty

Company Name: Mississippi Phosphates Corporation
Inspection Site: 601 Industrial Rd., Pascagoula, MS 39581

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

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

29 CFR 1910.252(a)(2)(iii)(A):

Fire watchers shall be required whenever welding or cutting is performed in locations where other than a minor fire might develop, or any of the following conditions exist:

(a) On or about June 14, 2012 a fire watcher was not available during hot work activities of welding and grinding in Sulfuric Acid plant number 3 where ignitable material such as cardboard, natural gas running through piping for the furnace, and other debris were present.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/29/2012
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.

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

Inspection Number: 439251
Inspection Date(s): 05/22/2012 – 11/19/2012
Issuance Date: 11/20/2012



Citation and Notification of Penalty

Company Name: Mississippi Phosphates Corporation
Inspection Site: 601 Industrial Rd., Pascagoula, MS 39581

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

29 CFR 1910.252(a)(2)(iii)(B):

Fire watchers shall have fire extinguishing equipment readily available and be trained in its use. They shall be familiar with facilities for sounding an alarm in the event of a fire. They shall watch for fires in all exposed areas, try to extinguish them only when obviously within the capacity of the equipment available, or otherwise sound the alarm. A fire watch shall be maintained for at least a half hour after completion of welding or cutting operations to detect and extinguish possible smoldering fires.

(a) On or about June 14, 2012, fire watcher was not trained to the location of the fire extinguisher to extinguish a fire where combustible material such as cardboard, and an area where piping of natural gas was located and other debris that could catch fire. Fire watchers are expected to extinguish a fire.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

11/23/2012

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: 439251
Inspection Date(s): 05/22/2012 – 11/19/2012
Issuance Date: 11/20/2012



Citation and Notification of Penalty

Company Name: Mississippi Phosphates Corporation
Inspection Site: 601 Industrial Rd., Pascagoula, MS 39581

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

29 CFR 1910.304(g)(5):

Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent, continuous, and effective.

(a) On or about July 11, 2012 the rigid pipe bending machine located in the Sulfuric Acid maintenance shop that was in use grounding pin was missing.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/23/2012
\$3600.00

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: Mississippi Phosphates Corporation
Inspection Site: 601 Industrial Rd., Pascagoula, MS 39581

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

29 CFR 1910.305(j)(2)(v):

A receptacle installed outdoors in a location protected from the weather or in other damp locations shall have an enclosure for the receptacle that is weatherproof when the receptacle is covered (attachment plug cap not inserted and receptacle covers closed).

(a) On or about June 14, 22012 electrical receptacles installed outdoors in the Sulfuric Acid plant number 3 did not have enclosures to become weather proof for a wet environment.

(b) On or about June 14, 2012 electrical box for lighting was not covered to become weather proof in a wet environment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/23/2012
\$3600.00

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: Mississippi Phosphates Corporation
Inspection Site: 601 Industrial Rd., Pascagoula, MS 39581

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

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

29 CFR 1910.1200(f)(5)(i):

Except as provided in paragraphs (f)(6) and (f)(7) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with the following information: (i) identity of the hazardous chemical(s) contained therein; and,

(a) On or about June 14, 2012 a two and a half gallon container, where 96 to 98 percent sulfuric acid was stored, was not labeled.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/23/2012
\$3600.00



Citation and Notification of Penalty

Company Name: Mississippi Phosphates Corporation
Inspection Site: 601 Industrial Rd., Pascagoula, MS 39581

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

29 CFR 1910.1200(f)(5)(ii):

Except as provided in paragraphs (f)(6) and (f)(7) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with the following information: (ii) Appropriate hazard warnings, or alternatively, words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

(a) On or about June 14, 2012 a two and a half gallon container, where 96 to 98 percent sulfuric acid was stored, was not labeled.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

11/23/2012

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

Inspection Number: 439251
Inspection Date(s): 05/22/2012 – 11/19/2012
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Citation and Notification of Penalty

Company Name: Mississippi Phosphates Corporation
Inspection Site: 601 Industrial Rd., Pascagoula, MS 39581

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

29 CFR 1910.157(c)(1):

The employer shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury.

(a) On or about June 14, 2012 fire extinguisher in the laboratory in the Control Room of the Sulfuric Acid plant was not mounted and readily accessible for use.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/23/2012
\$.00

A handwritten signature in cursive script, appearing to read "Clyde P. Payne", written over a horizontal line.

Clyde P. Payne
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
Dr. A.H. McCoy Federal Bldg. 100 West Capitol Street
Suite 749
Jackson, MS 39269
Phone: 601-965-4606 Fax: 601-965-4610



INVOICE / DEBT COLLECTION NOTICE

Company Name: Mississippi Phosphates Corporation
Inspection Site: 601 Industrial Rd., Pascagoula, MS 39581
Issuance Date: 11/20/2012

Summary of Penalties for Inspection Number	439251
Citation 1, Serious	\$33800.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$33800.00

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.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions 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

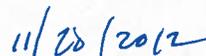
penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order 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.



Clyde P. Payne
Area Director



Date