

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



## Citation and Notification of Penalty

**To:**  
SCR CONSTRUCTION CO., INC.  
and its successors  
5420 FM 2218  
Richmond, TX 77469

**Inspection Number:** 849104  
**Inspection Date(s):** 01/26/2013 - 01/26/2013  
**Issuance Date:** 07/26/2013

**Inspection Site:**  
5420 FM 2218  
Richmond, TX 77469

*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.

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](http://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 07/26/2013. The conference will be held by telephone or at the OSHA office located at 17625

El Camino Real, Suite 400, Houston, TX 77058 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 849104**

Company Name: SCR CONSTRUCTION CO., INC.  
Inspection Site: 5420 FM 2218, Richmond, TX 77469  
Issuance Date: 07/26/2013

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 17625 El Camino Real, Suite 400, Houston, TX 77058**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

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

**Inspection Number:** 849104  
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**Issuance Date:** 07/26/2013



**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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

29 CFR 1910.138(a): The employer did not select and require employee(s) to use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasion; punctures; chemical burns; thermal burns; and harmful temperature extremes:

At the facility, in the mechanic shop: On January 26, 2013, mechanics using Universal Lubricants 142 Solvent 66/3 (petroleum hydrocarbon distillates) to hand wash parts were not required to use protective gloves as recommended on the product material safety data sheet, exposing employees to a skin absorption hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$3960.00  |

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:** 849104  
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**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
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**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source and rendered inoperative:

At the facility, in the shop and yard areas: On January 26, 2013, employees performed maintenance on a back hoe using the hydraulic system to elevate the equipment, and energy control procedures, training and periodic inspection requirements of an energy control program were not implemented, exposing employees to a crush hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$4950.00  |

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

**Inspection Number:** 849104  
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**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l):

At the facility in the yard and shop areas: On January 26, 2013, a yard laborer operated a forklift to move chemical drums in the yard and had not completed employer training and evaluation, exposing employees to struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$4950.00  |

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:** 849104  
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**Citation and Notification of Penalty**

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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 4 a** Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one eighth inch:

At the facility, in the mechanic shop: On January 26, 2013, and times theretofore, mechanics used a pedestal grinder, Dayton 20 cm, 15 amp, with work rests more than 1/8 inch from the abrasive wheel, exposing employees to an amputation hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$3960.00  |

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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**Company Name:** SCR CONSTRUCTION CO., INC.  
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**Citation 1 Item 4 b Type of Violation: **Serious****

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch:

At the facility, in the mechanic shop: On January 26, 2013, and times theretofore, mechanics used a pedestal grinder, Dayton 20 cm, 15 amp, with the adjustable tongue guard more than 1/4 inch from the abrasive wheel, exposing employees to caught by and struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/14/2013

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

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**Company Name:** SCR CONSTRUCTION CO., INC.  
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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.252(a)(2)(xiii)(B): The employer did not recognize its responsibility for the safe usage of cutting or welding equipment, and did not designate an individual responsible for authorizing cutting and welding operations in areas not specifically designed for such processes:

At the facility, in the mechanic shop and yard area: On January 26, 2013, and times theretofore, employees were directed to cut used chemical drums and other metal components with an oxy-acetylene cutting torch and to weld components to make repairs, and the employer did not designate an individual responsible to authorize the cutting or welding, exposing employees to fire and explosion hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$6930.00  |

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:** 849104  
**Inspection Date(s):** 01/26/2013 - 01/26/2013  
**Issuance Date:** 07/26/2013



**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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

29 CFR 1910.252(a)(2)(xiii)(C): The employer did not recognize its responsibility for the safe usage of cutting or welding equipment, and did not insist that cutters or welders and their supervisors were suitably trained in the safe operation of their equipment and the safe use of the processes:

At the facility, in the mechanic shop and yard area: On January 26, 2013 and times theretofore, employees used an oxy- acetylene cutting torch to cut used chemical drums and other metal components, and arc welder to weld components being repaired without suitable training to ensure safe use of the equipment and a safe process for cutting used drums last containing a flammable liquid, exposing employees to fire and explosion hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$6930.00  |

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:** 849104  
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**Issuance Date:** 07/26/2013



**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
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**Citation 1 Item 7** Type of Violation: **Serious**

29 CFR 1910.252(b)(2)(i)(B): Goggles or other suitable eye protection were not used during all gas welding or oxygen cutting operations:

At the facility, in the yard area: On January 26, 2013, a laborer used an oxy-acetylene cutting torch to cut used chemical drums and was not required to use goggles or spectacles with suitable filter lenses, exposing the employee to eye injury.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$4950.00  |

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:** 849104  
**Inspection Date(s):** 01/26/2013 - 01/26/2013  
**Issuance Date:** 07/26/2013



**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
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Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.253(b)(2)(iv): Valve protection caps, where cylinders were designed to accept caps, were not always in place, hand-tight, except when cylinders were in use or connected for use:

At the facility, in the yard gas cylinder storage area: On January 26, 2013, a compressed gas oxygen cylinder left standing unsecured in the yard did not have a valve protection cap in place, exposing employees to a projectile struck by hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$2970.00  |

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:** 849104  
**Inspection Date(s):** 01/26/2013 - 01/26/2013  
**Issuance Date:** 07/26/2013



**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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

29 CFR 1910.253(b)(4)(iii): Oxygen cylinders in storage were not separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least 5 feet (1.5 m) high having a fire-resistance rating of at least one half hour:

At the facility, in the yard gas cylinder storage area: On January 26, 2013, oxygen and acetylene cylinders were stored together, exposing employees to a fire and explosion hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$2970.00  |

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

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**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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

29 CFR 1910.253(b)(5)(ii)(D): Cylinders were not secured on a special truck, regulators were not removed and valve protection caps, when provided for, were not put in place before cylinders were moved:

At the facility, in the mechanic shop and yard areas: On January 26, 2013, cylinders on an oxy-acetylene special truck with regulators attached were not secured in place before being moved from the mechanical shop to the yard where a laborer used the cutting torch to cut used chemical drums, exposing employees to a projectile struck by hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$4950.00  |

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:** 849104  
**Inspection Date(s):** 01/26/2013 - 01/26/2013  
**Issuance Date:** 07/26/2013



**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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

29 CFR 1910.253(e)(5)(v): Hose showing leaks, burns, worn places, or other defects rendering it unfit for service were not repaired or replaced:

At the facility, in the mechanic shop and yard areas: On January 26, 2013, hoses connecting the oxygen and acetylene compressed gases to the cutting torch used by a laborer to cut used chemical drums were found to be cracked and worn at the end fittings, exposing the employee to fire and explosion hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$3960.00  |

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:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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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 12 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) At the facility: On January 26, 2013, and times theretofore, an employee used a cutting torch to cut used chemical drums resulting in a fatal explosion when the employer had not implemented a written hazard communication program describing how chemical information and training criteria would be met, exposing employees to a chemical flammability and explosion hazard.
- b) At the facility: On January 26, 2013, and times theretofore, employees were exposed to formaldehyde, a carcinogen and N-methylacetamide (manufacturer recommended exposure limit 1 ppm TWA) while cutting and using drums of Dow 890-SL sealant, when the employer had not implemented a written hazard communication program describing how chemical information and training criteria would be met, exposing employees to dermal and inhalation hazards.
- c) At the facility: On January 26, 2013 and times theretofore, employees used petroleum distillates (PEL 500 ppm) in 142 Solvent 66/3 in the parts washer when the employer had not implemented a written hazard communication program describing how chemical information and training criteria would be met, exposing employees to dermal and inhalation hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$6930.00  |



**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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

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

a) At the facility: On January 26, 2013, and times theretofore, the employer did not provide employees using a cutting torch to cut used chemical drums training in the physical hazards of the chemical contents, exposing employees to an explosion hazard.

b) At the facility: On January 26, 2013, and times theretofore, the employer did not provide employees cutting and using drums of Dow 890-SL sealant training in the health hazards of the chemical including formaldehyde, a carcinogen, and N-methylacetamide (manufacturer recommended exposure limit 1 ppm TWA), exposing employees to dermal and inhalation hazards.

c) At the facility: On January 26, 2013, and time theretofore, the employer did not provide employees using 142 Solvent 66/3 in the parts washer (petroleum distillates PEL 500 ppm) training in the health hazards of the chemical contents, exposing employees to dermal and inhalation hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/14/2013

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**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
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**Citation 2 Item 1** Type of Violation: **Willful**

29 CFR 1910.252(a)(3)(i): Welding, cutting, or other hot work was performed on used drums, barrels, tanks, or other containers that had not been cleaned so thoroughly as to make absolutely certain there were no flammable materials present or any substances such as greases, tars, acids, or other materials which were subjected to heat, might produce flammable or toxic vapors:

At the facility, in the yard area: On or about January 26, 2013 and at times prior thereto, used drums were cut with an oxy-acetylene torch exposing employees to an explosion hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$69300.00 |

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 and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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**Citation 3 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE):

At the facility: On January 26, 2013, the employer had not conducted a workplace hazard assessment of activities including but not limited to welding, grinding, using solvents, cutting used chemical drums with a torch, sand blasting, applying sealants and chemical coatings, and handling heavy materials, exposing employees to eye, hand, head and foot injury hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$990.00   |

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**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
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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 3 Item 2 a** Type of Violation: **Other-than-Serious**

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

At the facility, in the mechanic shop: On January 29, 2013, the employer required employees who use pneumatic tools to chip out concrete from inside mixers to wear filtering face piece (dust mask) respirators and did not establish a written respiratory protection program.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$990.00   |

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:** 849104  
**Inspection Date(s):** 01/26/2013 - 01/26/2013  
**Issuance Date:** 07/26/2013



**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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

29 CFR 1910.134(c)(3): The employer did not designate a program administrator who was qualified by appropriate training or experience to administer or oversee the respiratory protection program and to conduct the required evaluations of program effectiveness:

At the facility: On January 29, 2013, the employer required employees to use respiratory protection including N95 filtering face piece (dust mask) respirators, and did not designate a program administrator.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/14/2013



**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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**Citation 3 Item 2 c Type of Violation: **Other-than-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) At the facility: On January 29, 2013, the employer did not make reasonable estimate of exposure to silica, concrete dust and polymers when employees chiseled out hardened material from mixing machines, exposing employees to an inhalation hazard.
- b) At the facility: On January 29, 2013, the employer did not make reasonable estimate of exposure to N-methylacetamide (DOW recommended exposure limit 1 ppm TWA, 5 ppm excursion limit) in applying Dow 890-SL sealant, exposing employees to an inhalation hazard.
- c) At the facility: On January 26, 2013, the employer did not make reasonable estimate of exposure to formaldehyde (PEL 0.75 ppm), a by-product of combustion when employees cut used chemical drums last containing Dow 890-SL, exposing employees to an inhalation hazard.
- d) At the facility: On January 26, 2013, the employer did not make reasonable estimate of exposure to petroleum distillates (PEL 500 ppm) in 142 Solvent 66/3 used in the parts washer, exposing employees to an inhalation hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/14/2013

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

**Inspection Number:** 849104  
**Inspection Date(s):** 01/26/2013 - 01/26/2013  
**Issuance Date:** 07/26/2013



**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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

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

At the facility: On January 29, 2013, respiratory protection in the form of N95 dust masks were required when employees chiseled out hardened material from mixing machines without being medically evaluated to wear a respirator, exposing employees to a cardio-pulmonary stress hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/14/2013

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

**Inspection Number:** 849104  
**Inspection Date(s):** 01/26/2013 - 01/26/2013  
**Issuance Date:** 07/26/2013



**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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

29 CFR 1910.134(f): The employee was required to use a respirator without being fit tested with the same make, model, style and size of respirator that was to be used:

At the facility: On January 29, 2013, and times theretofore, respiratory protection in the form of N95 dust masks were required when employees chiseled out hardened material from mixing machines and employees were not fit tested, exposing employees to an inhalation hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/14/2013

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

**Inspection Number:** 849104  
**Inspection Date(s):** 01/26/2013 - 01/26/2013  
**Issuance Date:** 07/26/2013



**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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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 3 Item 3 a** Type of Violation: **Other-than-Serious**

29 CFR 1910.184(e)(1): Alloy steel sling(s) did not have permanently affixed durable identification stating size, grade, rated capacity, and reach:

At the facility in the shop and yard areas: On January 26, 2013, an alloy steel sling in use for lifting loads of equipment for transport to construction sites and to conduct repairs on large machinery did not have a permanently affixed identification indicating rated capacity, exposing employees to a crush or struck by hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$990.00   |

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:** 849104  
**Inspection Date(s):** 01/26/2013 - 01/26/2013  
**Issuance Date:** 07/26/2013



**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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

29 CFR 1910.184(i)(1): Synthetic web sling(s) were not marked or coded to show rated capacities for each type of hitch and type of synthetic web material:

At the facility in the shop and yard areas: On January 26, 2013, synthetic web slings in use for loading heavy equipment and palletized materials onto trucks for transport to construction sites were not marked to show rated capacity, exposing employees to struck by or crush hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/14/2013

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

**Inspection Number:** 849104  
**Inspection Date(s):** 01/26/2013 - 01/26/2013  
**Issuance Date:** 07/26/2013



**Citation and Notification of Penalty**

**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469

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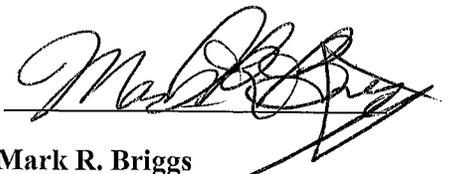
Citation 3 Item 4 Type of Violation: **Other-than-Serious**

29 CFR 1910.184(e)(3)(i): A thorough periodic inspection of alloy steel chain slings was not made on a regular basis and/or were done at intervals greater than once every 12 months:

At the facility, in the shop and yard areas: On January 26, 2013, alloy steel slings used for lifting loads for packaging and transport to field construction sites including industrial mixers were not inspected on a regular interval not to exceed 12 months, exposing employees to a struck by or crush hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 08/14/2013 |
| Proposed Penalty:                       | \$990.00   |

  
**Mark R. Briggs**  
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  
17625 El Camino Real  
Suite 400  
Houston, TX 77058  
Phone: 281-286-0583 Fax: 281-286-6352



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** SCR CONSTRUCTION CO., INC.  
**Inspection Site:** 5420 FM 2218, Richmond, TX 77469  
**Issuance Date:** 07/26/2013

|   |                    |
|---|--------------------|
| <b>Summary of Penalties for Inspection Number</b> | <b>849104</b>      |
| <b>Citation 1, Serious</b>                        | <b>\$58410.00</b>  |
| <b>Citation 2, Willful</b>                        | <b>\$69300.00</b>  |
| <b>Citation 3, Other-than-Serious</b>             | <b>\$3960.00</b>   |
| <b>TOTAL PROPOSED PENALTIES</b>                   | <b>\$131670.00</b> |

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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.

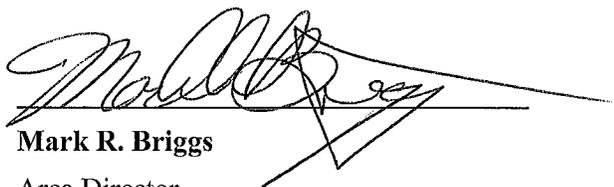
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

  
**Mark R. Briggs**  
Area Director

7/26/13  
Date