

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



Citation and Notification of Penalty

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

Inspection Site:
9797 OLD GALVESTON RD
Houston, TX 77034

Inspection Number: 954412
Inspection Date(s): 12/04/2013 - 12/18/2013
Issuance Date: 06/03/2014

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment

to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/03/2014. The conference will be held by telephone or at the OSHA office located at 17625 El Camino Real, Suite 400, Houston, TX 77058 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 954412

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034
Issuance Date: 06/03/2014

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

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

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

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

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

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

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

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

Signature

Date

Typed or Printed Name

Title

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

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



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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

29 CFR 1910.147(c) (5) (ii) (D): Lockout devices and tagout devices did not indicate the identity of the employee applying the device(s)

At 9797 Old Galveston Rd. Houston, TX, maintenance employees apply locks and/or tags to electric panels that do not indicate the identity of the employee applying the lock/tag at:

- a) In the parts one building on or about 12/3/13; a maintenance employee applied a lock and tag without an identity to a 480 volt panel to isolate the energy source of a 200 ton Pacific press brake, exposing employees to electrical and struck by hazards.
- b) In the parts two building on or about 3/17/14; a maintenance employee applied a lock and tag without an identity to a 480 volt panel to isolate the energy source of a Controlled Automation Inc. Plasma Cutter, exposing employees to electrical and struck by hazards.

Date By Which Violation Must be Abated:	06/10/2014
Proposed Penalty:	\$5500.00

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

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Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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

29 CFR 1910.147(c) (7) (i): The employer did not provide adequate training to ensure that the purpose and function of the energy control program was understood by employees:

At 9797 Old Galveston Rd. Houston, TX, training was not provided to employees to ensure that the purpose and function of the energy control program, exposing employees to electrical, amputation and struck by hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2014
Proposed Penalty:	\$5500.00

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

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

Inspection Number: 954412
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Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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

29 CFR 1910.184(c) (1): Sling(s) that were damaged or defective were used:

At 9797 Old Galveston Rd Houston, TX, in the drum shop area, damaged slings were used, exposing employees to struck by hazards.

Date By Which Violation Must be Abated:	06/10/2014
Proposed Penalty:	\$6600.00

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: 954412
Inspection Date(s): 12/04/2013 - 12/18/2013
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

Citation 1 Item 4 Type of Violation: **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 9797 Old Galveston Rd Houston, TX, in the drum shop, employees used alloy steel chain slings without affixed identification stating size, grade, rated capacity or reach, exposing employees to struck by hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2014
\$4400.00

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



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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 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 9797 Old Galveston Rd Houston, TX; on or about 12/4/13 bench grinders were used where the work rests exceeded one eighth of an inch from the wheel.

- a) In the parts one building, employees used a Northern Industrial 6 inch bench grinder, Item#: 143389, exposing employees to struck by hazards.
- b) In the assembly building, employees operated a Central Machinery 6 inch bench grinder, Item# 39797, exposing employees to struck by hazards.

Ensure that employees are knowledgeable and trained in order for them to know the requirements for adjusting work rest on bench grinders prior to use.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2014
Proposed Penalty:	\$3300.00

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



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

Citation 1 Item 5 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 9797 Old Galveston Rd Houston, TX; on or about 12/4/13 bench grinders were used where the work rests exceeded one eighth of an inch from the wheel.

a) In the parts one building, employees used a Northern Industrial 6 inch bench grinder, Item#: 143389, exposing employees to struck by hazards.

b) In the assembly building, employees operated a Central Machinery 6 inch bench grinder, Item# 39797, exposing employees to struck by hazards.

Ensure that employees are knowledgeable and trained in order for them to know the requirements for ensuring the distance between the safety guar and grinding wheel at the top do not exceed one fourth of an inch prior to use.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/10/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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 1910.242(a): Hand and portable powered tools or equipment were not kept in safe condition:

At 9797 Old Galveston Rd Houston, TX; on or about 12/4/13, hand tools were not kept in safe condition:

- a) In the parts two building an employee used a Klutch, Serial #: Unknown portable abrasive wheel grinder, exposing employees to struck by hazards.
- b) In the parts two building an employee used a Milwaukee, Serial #: Unknown, portable abrasive wheel grinder, exposing employees to struck by hazards.

Develop inspection program to ensure hand and portable hand tools whether employee or company furnished are kept in safe condition.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2014
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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

29 CFR 1910.243(c) (1) (ii) (a): Safety guard(s) for portable abrasive wheel(s) did not cover the spindle end, and flange projections.

At 9797 Old Galveston Rd Houston, TX; on or about 12/4/13, portable abrasive wheels were used without safety guards:

- a) In the parts two building an employee used a DeWalt, Serial #: Unknown, portable abrasive wheel grinder, exposing employees to struck by hazards.
- b) In the final assembly building an employee used an Unknown, Serial #: Not legible. Portable abrasive wheel grinder, exposing employees to struck by hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 06/10/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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

29 CFR 1910.305(a) (2) (x): Flexible cords and cables were not protected from accidental damage.

At 9797 Old Galveston Rd Houston, TX; on or about 12/4/13, electrical cords with damage to the outer insulation jacket were used:

- a) In the drum shop building, damaged electrical cords were plugged into power tools, exposing employees to electrical hazards
- b) In the final assembly building, damaged electrical cords were plugged into power tools, exposing employees to electrical hazards

Implement an inspection program to identify and take damaged electrical cords out of service.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2014
Proposed Penalty:	\$5500.00

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

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Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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

29 CFR 1910.305(b) (1) (ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

At 9797 Old Galveston Rd. in Houston, TX, near paint booth; unused openings on a 480 volt electrical panel, exposing employees to electrical hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2014
Proposed Penalty:	\$5500.00

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

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

Inspection Number: 954412
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Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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 9 a Type of Violation: **Serious**

29 CFR 1910.305(g) (1) (i): Flexible cords and cables were not approved for conditions of use and location:

At 9797 Old Galveston Rd Houston, TX, in the parts one building, maintenance personnel manufactured a flexible cord with two female end connectors which merged into a single male connection, exposing employees to electrical hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2014
Proposed Penalty:	\$5500.00

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

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

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Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief was provided that would prevent pull from being directly transmitted to joints or terminal screws:

At 9797 Old Galveston Rd Houston, TX, in the parts one building, maintenance personnel manufactured a flexible cord with two female end connectors which merged into a single male connection without strain relief, exposing employees to electrical hazards.

Date By Which Violation Must be Abated:

06/10/2014

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



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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

29 CFR 1910.307(c) (2) (i): Equipment in hazardous (classified) location(s) was not approved for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that was or could be present:

At 9797 Old Galveston Rd. in Houston, TX, in the blast building, electrical equipment was installed on paint booth that was not approved for hazardous locations:

- a) Electrical outlet approximately 6.5 feet from flammable cabinet vent hole, exposing employees to fire and explosion hazards.
- b) Junction box, approximately 9 inches from edge of table used for mixing flammable liquids, exposing employees to fire and explosion hazards.
- c) Junction box located with missing cover, approximately 14 inches from waste receptacle with flammable contaminants, rags and containers with residues from flammable liquids, exposing employees to fire and explosion hazards.
- d) Electrical outlet, approximately 20 inches from waste receptacle with flammable contaminants, rags and containers with residues from flammable liquids, exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 06/10/2014
Proposed Penalty: \$7000.00

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



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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

29 CFR 1910.307(d): Conduits in hazardous (classified) locations were not made wrench-tight:

At 9797 Old Galveston Rd Houston, TX, on the paint booth located in the blast building a conduit was not wrench tight, exposing employees to fire and explosion hazards.

Ensure that all conduits in hazardous locations which are required to be made wrench tight are in fact wrench tight.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2014
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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: **Repeat**

29 CFR 1910.147(c) (4) (i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section.

At 9797 Old Galveston Rd Houston, TX; Specific procedures were not developed and utilized for the control of hazardous energy when employees are required to perform maintenance, exposing employees to struck by, amputation and electrical hazards.

- a) In the parts one building: On or about 12/04/2013, maintenance personnel reset cylinder pressure on a Pacific 200 ton press brake, Model #: 200-8 Serial #: 2094, with energy sources such as but not limited to electrical and hydraulic.
- b) In the parts one building: On or about 12/4/13, the operator retooled and changed the dies on a Scotchman punch press, Serial #: Unknown, Model #: Unknown with energy sources such as but not limited to electrical and hydraulic.
- c) In the parts one building: On or about 12/3/13, employees replaced the blade of a Dayton horizontal band saw; Serial #: Unknown, Model #: 4YG31, with energy sources such as but not limited to electrical, hydraulic and tension.
- d) In the parts one building: On or about 12/2/13, employees replaced the blade on a Wellsaw horizontal band saw; Serial #: 33235, Model #: 8 with energy sources such as but not limited to electrical, hydraulic and tension.
- e) In the drum shop, employees performed maintenance on a Roundo, roller, and Serial #: Unknown, Model #: Unknown, with energy sources such as but not limited to electrical and hydraulic and tension.

Navistar Inc. was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.147(c)(4)(i), which was contained in OSHA inspection number 313769481, citation number

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

U.S. Department of Labor
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1, item number 2 and was affirmed as a final order on 01/19/2010, with respect to a workplace located at 6125 Urbana Rd. in Springfield, OH

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2014
Proposed Penalty:	\$38500.00

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



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

Citation 2 Item 1 b Type of Violation: **Repeat**

29 CFR 1910.147(c) (6) (i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

At 9797 Old Galveston Rd Houston, TX; periodic inspections of energy control procedures were not conducted on machinery:

- a) In the parts one building, for a Pacific 200 ton press brake, Serial #: 2094, Model #: 200-8, was not reviewed at least annually.
- b) In the parts one building, energy control procedures for Scotchman punch press, Serial #: Unknown, Model #: Unknown, was not reviewed at least annually.
- c) In the parts one building energy control procedures for a Dayton horizontal band saw, Serial #: Unknown, Model #: 4YG31, was not reviewed at least annually.
- d) In the parts one building energy control procedures for a Wellsaw, horizontal band saw; Serial #: 33235, Model #: 8, was not reviewed at least annually.
- e) In the drum shop energy control procedures for a Roundo roller; Serial #: Unknown, Model #: Unknown, was not reviewed at least annually.

Navistar, Inc. was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.147(c)(6)(i), which was contained in OSHA inspection number 313769481, citation number 2, item number 2 and was affirmed as a final order on 01/19/2010, with respect to a workplace located at 6125 Urbana Rd. in Springfield, OH.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

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Date By Which Violation Must be Abated:

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Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

Citation 2 Item 2 Type of Violation: **Repeat**

29 CFR 1910.147(d) (4) (i): Lockout or tagout devices were not affixed to each energy isolating device by authorized employees:

At 9797 Old Galveston Rd. in Houston, TX; Employees did not affix a lockout or tag out devices to each energy source, exposing employees to struck by amputation and electrical hazards:

- a) In the parts one building: On or about 12/3/2013, employees did not affix a lockout device to the electrical panel when replacing the blades on a Wellsaw band saw, Serial #: 33235, Model #: 8.
- b) In the parts one building: On or about 12/3/2013, employees did not affix a lockout device on the electrical panel supplying power when replacing the blades on a Dayton horizontal band saw; Serial #: Unknown, Model #: 4YG31.
- c) In the parts one building: On or about 12/3/2013, employees did not affix a lockout device the electrical panel supplying power when retooling a Scotchman, punch press; Serial #: Unknown, Model #: Unknown.

Navistar, Inc. was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.147(d)(4)(i), which was contained in OSHA inspection number 313769481, citation number 1, item number 3 and was affirmed as a final order on 01/19/2010, with respect to a workplace located at 6125 Urbana Rd. in Springfield, OH.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2014
Proposed Penalty:	\$38500.00

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Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

Citation 2 Item 3 Type of Violation: **Repeat**

29 CFR 1910.147(d) (6): Prior to starting work on machines or equipment that had been locked out or tagged out, the authorized employee did not verify that isolation and deenergization of the machine or equipment had been accomplished:

At 9797 Old Galveston Rd. in Houston, TX; employees do not ensure the deenergization of each machine or equipment prior to conducting maintenance, exposing employees to electrical, amputation and struck by hazards:

- a) In the parts two building on or about 3/17/2014, maintenance employee replaced an air valve coil on the Controlled Automation Inc. plasma cutter Serial #: 11-053, Model #: VTL1553 and did not verify the deenergization of the machine after locking out the 480 volt electrical panel.
- b) In the parts one building on or about December 2013, maintenance employee reset the cylinder pressure on the Pacific press brake, Serial #: 2094, Model #: 200-8, and did not verify isolation of all energy sources after locking out the 480 volt electrical panel.

Navistar, Inc. was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.147(d)(6), which was contained in OSHA inspection number 313769481, citation number 1, item number 4 and was affirmed as a final order on 01/19/2010, with respect to a workplace located at 6125 Urbana Rd. in Springfield, OH.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2014
Proposed Penalty:	\$38500.00

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



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

Citation 2 Item 4 Type of Violation: **Repeat**

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

At 9797 Old Galveston Rd Houston, TX; machine guarding was not provided to protect operators exposing employees to struck by and amputation hazards.

- a) In the parts one building employees were exposed to an unguarded Wellsaw, Horizontal Bandsaw, Serial #: 33235, Model #: 8.
- b) In the parts one building a Pacific 200 ton press brake, Serial #: 2094, Model #: 200-8 was not guarded at the point of operation.
- c) In the parts one building a Scotchman punch press, Serial #: Unknown, Model #: Unknown, was not guarded at the point of operation.
- d) In the parts one building a Williams & Wilson LTD Lathe, Serial #: C40-236, Model #: CP4-2000A, was not guarded at the point of operation.
- e) In the parts two building a Cole-Tuve sheet metal roller Serial #: SL-230741, Model #: 4RS-H-6-180 was not guarded at the point of operation.
- f) In the parts two building a HTC 200 ton press brake, Serial #: Unknown, Model #: Unknown was not guarded at the point of operation.
- g) In the drum shop a 70 ton shaping press, Serial #: 0001, Model #: FP70-CBMW was not guarded.

Navistar, Inc. was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.212(a)(1), which was contained in OSHA inspection number 313769481, citation number 1, item number 6 and was affirmed as a final order on 01/19/2010, with respect to a workplace located at 6125 Urbana Rd. in Springfield, OH.

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: 954412
Inspection Date(s): 12/04/2013 - 12/18/2013
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2014
Proposed Penalty:	\$38500.00

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: 954412
Inspection Date(s): 12/04/2013 - 12/18/2013
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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

29 CFR 1904.32(b)(6): The Summary of Work-Related Injuries and Illnesses (OSHA Form 300A or equivalent) for the previous year was not posted between February 1 and April 30:

At 9797 Old Galveston Rd. in Houston, TX; the employer did not post the OSHA 300A form or its equivalent by February 1 of 2014.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2014
\$1100.00

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

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

Inspection Number: 954412
Inspection Date(s): 12/04/2013 - 12/18/2013
Issuance Date: 06/03/2014



Citation and Notification of Penalty

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034

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

29 CFR 1910.253(b)(4)(i): Oxygen cylinders were stored near highly combustible material, especially oil and grease; or near reserve stocks of carbide and acetylene or other fuel-gas cylinders, or near other substance likely to cause or accelerate fire:

At 9797 Old Galveston Rd Houston, TX; on or about 12/4/13, against the outside wall of the drum shop building oxygen cylinders were stored approximately 15 inches away from acetylene cylinders, exposing employees to fire hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2014
\$1100.00


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

Company Name: Continental Mfg. Company, Inc., dba Navistar - Continental Mixer
Inspection Site: 9797 OLD GALVESTON RD, Houston, TX 77034
Issuance Date: 06/03/2014

Summary of Penalties for Inspection Number	954412
Citation 1, Serious	\$62800.00
Citation 2, Repeat	\$154000.00
Citation 3, Other-than-Serious	\$2200.00
TOTAL PROPOSED PENALTIES	\$219000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your

original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Mark R. Briggs
Area Director



Date