



## Attention Employers:

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The Occupational Safety and Health Administration would like to announce a new electronic payment option available to you.

You can make your payment electronically at [www.pay.gov](http://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, choose OSHA Penalty Payment Form. You can also use the direct link below.

<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.

**U. S. DEPARTMENT OF LABOR**

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
JACKSON AREA OFFICE  
DR. A.H. MCCOY FEDERAL BUILDING  
100 WEST CAPITOL STREET, SUITE 749  
JACKSON, MISSISSIPPI 39269-1620



Telephone: 601/965-4606 Fax No: 601/965-4610

**REPLY TO THE ATTENTION OF: AREA DIRECTOR**

November 13, 2013

TY Offshore, LLC  
Mr. John McFarland  
Safety & Environmental Manager  
13085 Seaway Road  
Gulfport, MS 39503

Dear Mr. McFarland:

The purpose of this letter is to address deficiencies with your Confine Space program in accordance with 29 CFR 1915, Occupational Safety and Health Standards for Shipyard Employment. An OSHA inspection at your workplace was conducted in May 2013 that identifies compliance issues with your program.

A permit required confine space or permit space is a confined space that contains hazards capable of causing death or serious physical harm. The confine space has that potential to contain or generate a hazardous atmosphere such as oxygen deficiency from rusting metal, combustible, decomposition, or other contaminants. The space also the potential for engulfing an entrant, or its internal configuration could trap and or asphyxiate by inwardly converging walls that slopes to a smaller cross-section. .

Once the environment has been identified as a permit space the employer shall implement procedures for entering permit spaces. The procedures require that before employees enter the space the internal atmosphere must be tested for oxygen content, flammable gases and vapors, and potential toxic air contaminants. Once testing has been completed, the atmosphere within the space must be periodically tested to ensure the atmosphere remains safe for the entrants. There must be no hazardous atmosphere within the space when employees are inside the space. If a hazardous atmosphere is detected during entry, employees must exit and the space must be evaluated and corrective measures must be taken.

It is OSHA position that all employees who work in a confine space are fully trained before performing assigned duties. Employees must be able to demonstrate proficiency in performing their assigned tasks and have the understanding, knowledge, and skills to safely perform their duties. You need to review paragraphs (h), (l), and (j) of the confine space standard that specify the duties of authorized entrants, attendants, and entry supervisors. In addition, training shall be conducted to ensure that each employee who enters a confined space, enclosed space, or other areas with dangerous atmosphere is trained to:

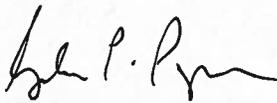
1. Recognize the characteristics of the confine space
2. Anticipate and be aware of the hazards that may be faced during entry
3. Recognize the adverse health effects that may be caused by the exposure to a hazard
4. Understand the physical signs and reactions related to exposure to such hazards
5. Know what personal protection equipment is needed for safe entry into and exit from the space.
6. Use personal protective equipment

TY Offshore shall ensure that each entrant into a confined or enclosed space is trained to exit the space or dangerous atmosphere whenever evacuation is ordered, or an evacuation alarm is activated, and or an entrant perceives that they are in danger.

TY Offshore, LLC shall ensure that hot work is not performed in or any confined space until the work area has been tested and certified by a Marine Chemist or a U.S. Coast Guard authorized person as Safe for Hot Work. The certificate issued by the Marine Chemist or Coast Guard shall be posted in the vicinity of the affected operation while in progress and kept on file for three months. In an interest of safety and health TY Offshore shall comply with the Shipyard confine space standard, 29 CFR 1915, Subpart B title Confined and Enclosed Spaces and Other Dangerous Atmospheres.

Thank you for your interest in workplace safety and health.

Respectfully,



Clyde P. Payne  
Area Director

**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:**  
Trinity Yachts, LLC  
and its successors  
13085 Seaway Road  
Gulfport, MS 39503

**Inspection Number:** 910178  
**Inspection Date(s):** 05/29/2013 - 05/29/2013  
**Issuance Date:** 11/13/2013

**Inspection Site:**  
13085 Seaway Road  
Gulfport, MS 39503

*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 11/13/2013. The conference will be held by telephone or 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: 910178**

Company Name: Trinity Yachts, LLC  
Inspection Site: 13085 Seaway Road, Gulfport, MS 39503  
Issuance Date: 11/13/2013

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, 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): \_\_\_\_\_  
\_\_\_\_\_

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:** 910178  
**Inspection Date(s):** 05/29/2013 - 05/29/2013  
**Issuance Date:** 11/13/2013



**Citation and Notification of Penalty**

**Company Name:** Trinity Yachts, LLC  
**Inspection Site:** 13085 Seaway Road, Gulfport, MS 39503

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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 1 a** Type of Violation: **Serious**

29 CFR 1910.134(c)(1)(ii): Medical evaluations of employees required to use respirators;

(a) On or about May 29, 2013 TY Offshore LLC did not provide medical evaluations for ship fitters, pipe fitters, and welders that are required to wear the 3M half mask respirator to determine their capabilities of wearing a tight fitting facepiece.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/27/2013
Proposed Penalty:	\$4400.00

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:** 910178  
**Inspection Date(s):** 05/29/2013 - 05/29/2013  
**Issuance Date:** 11/13/2013



**Citation and Notification of Penalty**

**Company Name:** Trinity Yachts, LLC  
**Inspection Site:** 13085 Seaway Road, Gulfport, MS 39503

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

29 CFR 1910.134(f)(2): The employer shall ensure that an employee using a tight-fitting facepiece respirator is fit tested prior to initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter.

(a) On or about May 29, 2013 a large number of pipe fitters, welders, and ship fitters that are required to wear a 3M half mask respirator had not been fit tested.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

12/27/2013

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

**Inspection Number:** 910178  
**Inspection Date(s):** 05/29/2013 - 05/29/2013  
**Issuance Date:** 11/13/2013



**Citation and Notification of Penalty**

**Company Name:** Trinity Yachts, LLC  
**Inspection Site:** 13085 Seaway Road, Gulfport, MS 39503

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

29 CFR 1910.305(j)(2)(vii): A receptacle installed in a wet location where the product intended to be plugged into it will be attended while in use (for example, portable tools) shall have an enclosure that is weatherproof when the attachment plug cap is removed.

(a) On or about May 29, 2013 electrical receptacles referred to as a spider which provide electrical power to blowers and other electrical equipment located outside on the erection way of aboard barge T-83 did not have weather proof enclosures on outlets.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/15/2013  
\$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:** 910178  
**Inspection Date(s):** 05/29/2013 - 05/29/2013  
**Issuance Date:** 11/13/2013



**Citation and Notification of Penalty**

**Company Name:** Trinity Yachts, LLC  
**Inspection Site:** 13085 Seaway Road, Gulfport, MS 39503

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

29 CFR 1915.55(f)(3): All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be in any way harmful to employees, shall be inspected at the beginning of each shift. Defective hose shall be removed from service.

(a) On or about May 29, 2013 the employer did not inspect hoses carrying acetylene, oxygen, natural, or manufactured fuel gas that is being used in a confine space for welding and cutting activities.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/05/2013
Proposed Penalty:	\$4400.00

A handwritten signature in blue ink, 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

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**Company Name:** Trinity Yachts, LLC  
**Inspection Site:** 13085 Seaway Road, Gulfport, MS 39503  
**Issuance Date:** 11/13/2013

<b>Summary of Penalties for Inspection Number</b>	<b>910178</b>
<b>Citation 1, Serious</b>	<b>\$14300.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$14300.00</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.

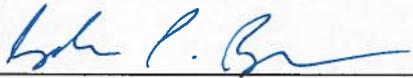
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

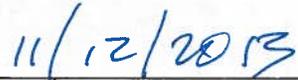
becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt 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.



**Clyde P. Payne**  
Area Director



Date