

U.S. Department of Labor
Occupational Safety and Health Administration
1033 La Posada
Suite 375
Austin, TX 78752
Phone: 512-374-0271 Fax: 512-374-0086



Citation and Notification of Penalty

To:
Utex Industries, Inc.
and its successors
605 Utex Drive
Weimar, TX 78962

Inspection Number: 890828
Inspection Date(s): 02/11/2013 - 07/24/2013
Issuance Date: 08/09/2013

Inspection Site:
605 Utex Drive
Weimar, TX 78962

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. 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 08/09/2013. The conference will be held by telephone or at the OSHA office located at 1033 La Posada, Suite 375, Austin, TX 78752 on _____ at _____

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 890828

Company Name: Utex Industries, Inc.
Inspection Site: 605 Utex Drive, Weimar, TX 78962
Issuance Date: 08/09/2013

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, 1033 La Posada, Suite 375, Austin, TX 78752**

Citation Number 1 Item Number 1 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 2 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 3 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number **4** was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 5a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 5b was corrected **on** _____
By (Method of Abatement): _____

Citation Number 1 Item Number 6 was corrected on _____
By (Method of Abatement): _____

Citation Number 2 Item Number 1 was corrected on _____
By (Method of Abatement): _____

Citation Number 2 Item Number 2 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: Utex Industries, Inc.
Inspection Site: 605 Utex Drive, Weimar, TX 78962

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

29 CFR 1910.95(c)(1): The employer did not administer a continuing, effective hearing conservation program as described in 29 CFR 1910.95(c) through (o) whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level of 85 decibels measured on the A scale, or equivalently a dose of fifty percent:

- (a) In the Press Department, where employees were exposed to noise levels as high as 97.1 dba while using compressed air to blow rubber off molds and to clean cores, the employer did not administer a hearing conservation program. This violation was observed on or about June 10, 2013 where noise sampling performed for 446 minutes indicated that the employee was exposed to a 119.2% noise dose which is equivalent to approximately 91.2 dBA. Zero exposure was assumed for the 34 minutes not sampled.
- (b) In the Press Department, where employees were exposed to noise levels as high as 97.1 dba while using compressed air to blow rubber off molds and to clean cores, the employer did not administer a hearing conservation program. This violation was observed on or about June 10, 2013 where noise sampling performed for 438 minutes indicated that the employee was exposed to a 107.4% noise dose which is equivalent to approximately 90.5 dBA. Zero exposure was assumed for the 42 minutes not sampled.
- (c) In the Press Department, where employees were exposed to noise levels as high as 97.1 dba while using compressed air to blow rubber off molds and to clean cores, the employer did not administer a hearing conservation program. This violation was observed on or about June 10, 2013 where noise sampling performed for 402 minutes indicated that the employee was exposed to a 72.54% noise dose which is equivalent to approximately 87.6 dBA. Zero exposure was assumed for the 78 minutes not sampled.
- (d) In the Press Department, where employees were exposed to noise levels as high as 97.1 dba while using compressed air to blow rubber off molds and to clean cores, the employer did not administer a hearing conservation program. This violation was observed on or about June 10, 2013 where noise sampling performed for 464 minutes indicated that the employee was exposed to a 68.04% noise dose which is equivalent to approximately 87.2 dBA. Zero exposure was assumed for the 16 minutes not sampled.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer

U.S. Department of Labor

Occupational Safety and Health Administration

Inspection Number: 890828

Inspection Date(s): 02/11/2013 - 07/24/2013

Issuance Date: 08/09/2013



Citation and Notification of Penalty

Company Name: Utex Industries, Inc.

Inspection Site: 605 Utex Drive, Weimar, TX 78962

must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the employer administers a continuing, effective hearing conservation program as described in 29 CFR 1910.95(c) through (o) whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level of 85 decibels measured on the A scale, or equivalently a dose of fifty percent.

Date By Which Violation Must be Abated:

09/09/2013

Proposed Penalty:

\$6000.00

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: **Utex Industries, Inc.**
Inspection Site: 605 Utex Drive, Weimar, TX 78962

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

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

- (a) In the Press Department, where employees were using compressed air to clean rubber off molds, the employer did not require use of eye or face protection, exposing employees to the hazards of being struck in the eyes by flying particles or compressed air.
- (b) In Preform Metal Prep, employees were provided safety glasses with sideshields in lieu of chemical-splash goggles or faceshield while diluting concentrated Muriatic Acid in a 5-gallon pail and using it as a dip tank for cleaning springs, exposing employees to the hazards of corrosive chemical splashes.
- (e) In the Rubber Department, on or about February 11, 2013 and at times prior thereto, employees were not wearing safety glasses with sideshields while mixing rubber, milling rubber in the batch off machine, and using compressed air for cleaning.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/12/2013
\$4000.00



Citation and Notification of Penalty

Company Name: Utex Industries, Inc.

Inspection Site: 605 Utex Drive, Weimar, TX 78962

Citation 1 Item 3 Type of Violation: Serious

29 CFR 1910.136(a): The employer did not ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards:

(a) Press Department, the employer did not ensure that employees used protective footwear while handling heavy materials such as molds, and moving materials with forklifts, cranes, and manual hoists during production operations, exposing employees to the hazards of being struck in the foot by falling or rolling objects.

(b) Rubber Extrusion, the employer did not ensure that employees used protective footwear while handling heavy materials such as rubber rolls, and moving materials with forklifts, cranes, and manual hoists during production operations, exposing employees to the hazards of being struck in the foot by falling or rolling objects.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards.

Date By Which Violation Must be Abated:

08/16/2013

Proposed Penalty:

\$6000.00



Citation and Notification of Penalty

Company Name: Utex Industries, Inc.
Inspection Site: 605 Utex Drive, Weimar, TX 78962

Citation 1 Item 4 Type of Violation: Serious

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

- (a) In the Mixing Friction House, facilities for quick flushing of the eyes were not provided in the mixing area where employees were dispensing and mixing corrosive liquids including Liquid Caustic Soda 50% and Penacolite Resin R-50, exposing employees to the hazards of corrosive chemical splashes. The eyewash was on the opposite side of the room from the mixing area and the path was obscured by equipment.
- (b) In Preform Metal Prep, facilities for quick flushing of the eyes were not provided for employees who were diluting concentrated Muriatic Acid in a 5-gallon pail and using it as a dip tank for cleaning springs.
- (c) In the Boiler Room, facilities for quick flushing of the eyes were not provided for employees who were changing out drums of corrosive liquids including, but not limited to, FBS JD 701 boiler treatment (Morpholine), testing the boiler, and adjusting or servicing the chemical feed pump, which was encrusted with caustic residue.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that where employees are exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/14/2013
\$5000.00



Citation and Notification of Penalty

Company Name: Utex Industries, Inc.
Inspection Site: 605 Utex Drive, Weimar, TX 78962

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 1910.1200(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:

At the inspection site, where employees were using hazardous chemicals while engaged in production of rubber products and packing materials, the written Hazard Communication Program did not include an explanation of Product Description Numbers (PDNs) that was used in lieu of product identities on secondary containers with chemicals such as rubber ingredients, an explanation of use of batch tickets to convey identities and hazard warning information on containers labeled only with Product Description Numbers, and an explanation of the HMIS/NFPA labeling system that was used in lieu of hazard warnings on other secondary containers, such as 24-ounce bottles, safety cans and dip tanks.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the employer develops, implements, and/or maintains 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.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/23/2013
\$4000.00



Citation and Notification of Penalty

Company Name: Utex Industries, Inc.
Inspection Site: 605 Utex Drive, Weimar, TX 78962

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

29 CFR 1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings:

At the inspection site, where employees were using hazardous chemicals while engaged in production of rubber products and braided packing materials, portable secondary containers in production areas were unlabeled, or labeled with the chemical identity only, or labeled with an HMIS/NFPA label that did not convey target organ effects, or labeled with Product Description Numbers (PDNs) in lieu of product identities and hazard warnings as follows:

- (a) In the Mill Room, on the mixing mezzanine, where employees were weighing and mixing rubber ingredients, open bins and pails containing powdered ingredients were labeled only with PDN numbers including, but not limited to, a pail containing an accelerator that was incompatible with strong oxidizers and moisture, and forms explosive dust-air mixtures, and a bin containing a carcinogenic rubber ingredient that is an eye, skin and respiratory tract irritant.
- (b) In the Braiding Department, portable in-house containers were labeled with chemical contents but lacked hazard warnings, including, but not limited to, open containers and tabletop dip tanks containing Varsol, used by employees for cleaning pumps and other parts. Employees were using 5-gallon safety cans to transfer flammable or combustible liquids including Varsol, Mineral Spirits, and Diesel, which were labeled with the contents and Flammable Liquid symbols, but no other hazard warnings, exposing employees to the hazards of chemical splashes resulting in defatting of skin. HMIS/NFPA hazard warning diamonds were added to containers after the inspection was initiated.
- (c) In Metal Prep, corrosive concentrated Muriatic Acid was diluted in a 5-gallon bucket that was labeled only "Bucket for Muriatic Acid Solution" and was used by employees as a parts washer for springs, exposing employees to the hazards of corrosive chemical splashes.
- (d) In Metal Prep, gallon cans containing flammable adhesive mixtures with solvents such as xylene, MEK and MIBK used by employees for dipping operations were not labeled with hazard warnings, or hazard warnings were illegible due to chemical stains on labels, exposing employees to the hazards of chemical inhalation and contact with skin.
- (e) In Injection Molding, Plastic Extrusion Building, plastic squeeze bottles containing flammable MEK were not labeled with hazard warnings, and were being used by employees to wet shop rags, exposing employees to the hazards of chemical contact with skin.

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: 890828

Inspection Date(s): 02/11/2013 - 07/24/2013

Issuance Date: 08/09/2013



Citation and Notification of Penalty

Company Name: Utex Industries, Inc.

Inspection Site: 605 Utex Drive, Weimar, TX 78962

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- (f) In the Composite Area, 24-ounce plastic spray bottles containing mold release agents lacked hazard warning information for employees who were using the spray, exposing employees to the hazards of contact with skin.
 - (g) In the Composite Area, Press Line, some of the 24-ounce plastic spray bottles containing mold release agents lacked hazard warning information for employees who were using the spray, exposing employees to the hazards of contact with skin.
 - (h) In the Press Room, some of the unlabeled 24-ounce plastic spray bottles with milky white liquid lacked hazard warning information for employees who were using the spray as a mold release agent, exposing employees to the hazards of contact with skin.
 - (i) In Rubber Extrusion, unlabeled 24-ounce plastic spray bottles with pink liquid lacked hazard warning information for employees who were using the spray, exposing employees to the hazards of chemical mist in eyes.
 - (j) In Rubber Extrusion, HMIS/NFPA diamond labels on some of the 24-ounce plastic spray bottles containing an off-white liquid lacked numerical codes or other hazard warning information for employees who were using the spray, exposing employees to the hazards of chemical contact with eyes and skin.
 - (k) In the AC Closet for Customer Service, on the Shipping Department Storage Mezzanine, there was no hazard warning on a 24-ounce spray bottle labeled Clorox used by employees for treatment of HVAC drain lines, exposing employees to the hazards of corrosive chemical mists.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that each container of hazardous chemicals in the workplace is appropriately labeled, tagged or marked with its identity and hazard warnings.

Date By Which Violation Must be Abated:

08/23/2013

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: Utex Industries, Inc.
Inspection Site: 605 Utex Drive, Weimar, TX 78962

Citation 1 Item 6 Type of Violation: Serious

29 CFR 1910.1200(h)(3)(iii): Employee training did not include the measures employees can take to protect themselves from chemical hazards, including specific procedures the employer had implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures and personal protective equipment to be used:

- (a) In the Mill Room, on the mixing mezzanine, where employees who were weighing, mixing and storing oxidizers were expected to use fire extinguishers on incipient-stage fires, chemical hazard communication training was inadequate in that employees were not aware of potential fire hazards when oxidizers and organic peroxides were stored with incompatible materials, thermal polymerization hazards of oxidizers when heated, hazardous decomposition products to which employees may be exposed in the event of fire, and measures employees can take to protect themselves.
- (b) Mill Room, in the compound mixing area for the Braiding Department, where employee(s) were mixing compounds for a yarn coating process, chemical hazard communication training was inadequate in that employee(s) were not aware of the hazards associated with combustible dusts such as phenolic resin, and measures employees can take to protect themselves.
- (c) In the Boiler Room, where employees who were dispensing and storing oxidizers, flammable liquids and corrosive liquids were expected to use fire extinguishers on incipient-stage fires, chemical hazard communication training was inadequate in that employees were not aware of potential fire hazards when oxidizers were stored with incompatible materials, such as flammable and corrosive boiler additive, thermal polymerization hazards of oxidizers when heated, hazardous decomposition products to which employees may be exposed in the event of fire, and measures employees can take to protect themselves.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employee training includes the measures employees can take to protect themselves from chemical hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures and personal protective equipment to be used.

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: 890828
Inspection Date(s): 02/11/2013 - 07/24/2013
Issuance Date: 08/09/2013



Citation and Notification of Penalty

Company Name: Utex Industries, Inc.
Inspection Site: 605 Utex Drive, Weimar, TX 78962

Date By Which Violation Must be Abated:	08/12/2013
Proposed Penalty:	\$3000.00

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: Utex Industries, Inc.
Inspection Site: 605 Utex Drive, Weimar, TX 78962

Citation 2 Item 1 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 hazard(s) and an identification of the contaminant's chemical state and physical form:

- (a) In Preform Metal Prep, on or about February 13, 2013 and at times prior thereto, where employees were exposed to methylene bisphenyl isocyanate, a respiratory sensitizer, while engaged in production operations using adhesive, the employer did not initially determine if any employee was exposed to methylene bisphenyl isocyanate at or above the PEL.
- (b) In Preform Metal Prep, on or about February 13, 2013 and at times prior thereto, where employees were required to wear half-facepiece respirators with organic vapor cartridges while performing parts washing operations in the degreasing tank, the employer did not evaluate employee exposures to degreaser vapors, exposing employees to the hazards of chemical inhalation.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the employer identifies and evaluates the respiratory hazard(s) in the workplace; including a reasonable estimate of employee exposures to respiratory hazard(s) and an identification of the contaminant's chemical state and physical form.

Date By Which Violation Must be Abated: 08/23/2013
Proposed Penalty: \$0.00



Citation and Notification of Penalty

Company Name: Utex Industries, Inc.
Inspection Site: 605 Utex Drive, Weimar, TX 78962

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

29 CFR 1910.1025(d)(2): An initial determination was not made to determine if any employee may be exposed to lead at or above the action level:

In Preform Metal Prep, on or about February 13, 2013 and at times prior thereto, where employees were potentially exposed to lead while engaged in rubber coating operations using adhesives containing inorganic lead salt, the employer did not initially determine if any employee was exposed to lead at or above the action level.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that an initial determination is made to determine if any employee may be exposed to lead at or above the action level.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/23/2013
\$0.00

A handwritten signature in blue ink that reads "R. Casey Perkins".

R. Casey Perkins, CSP
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1033 La Posada Suite 375
Austin, TX 78752
Phone: 512-374-0271 Fax: 512-374-0086



INVOICE / DEBT COLLECTION NOTICE

Company Name: Utex Industries, Inc.
Inspection Site: 605 Utex Drive, Weimar, TX 78962
Issuance Date: 08/09/2013

Summary of Penalties for Inspection Number	890828
Citation 1, Serious	\$28000.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$28000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all

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

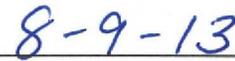
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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

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



R. Casey Perkins, CSP

Area Director



Date