U.S. Department of Labor
Occupational Safety and Health Administration
1100 East Campbell Road, Suite 250
Richardson, TX 75081

Citation and Notification of Penalty

To:
Venture Metals, LLC
10848 Luna Road
Dallas, TX 75220

Inspection Number: 1315030
Inspection Date(s): 05/09/2018 - 05/11/2018
Issuance Date: 10/22/2018

Inspection Site:
10848 Luna Road
Dallas, TX 75220

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 by calling 972-952-1330. 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 $25,000 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 10/22/2018. The conference will be held by telephone or at the OSHA office located at 1100 East Campbell Road, Suite 250, Richardson, TX 75081 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1315030

Company Name: Venture Metals, LLC
Inspection Site: 10848 Luna Road, Dallas, TX 75220
Issuance Date: 10/22/2018

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, 1100 East Campbell Road, Suite 250, Richardson, TX 75081**

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: Venture Metals, LLC
Inspection Site: 10848 Luna Road, Dallas, TX 75220

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

29 CFR 1910.28(b)(1)(i): The employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2m) or more above a lower level was protected from falling by guardrail systems, safety net system, or personal fall arrest system:

a) This violation occurred on or about May 9, 2018, and at times prior thereto; in the cable shop, where employee, who was working from the top of the Baler machine close to the edge, was not protected from falling to the ground below.

Date By Which Violation Must be Abated:	11/01/2018
Proposed Penalty:	$8536.00

Citation and Notification of Penalty

Company Name: Venture Metals, LLC
Inspection Site: 10848 Luna Road, Dallas, TX 75220

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

29 CFR 1910.146(c)(4): When the employer decided that its employees would enter permit spaces, the employer did not develop and implement a written permit space entry program that complied with 29 CFR 1910.146:

a) This violation occurred on or about May 9, 2018, and at times prior thereto; the employer did not implement their written permit required confined space entry program for employees who were working inside the confined space/Baler machine.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/01/2018
Proposed Penalty:	$9959.00

Citation and Notification of Penalty

Company Name: Venture Metals, LLC
Inspection Site: 10848 Luna Road, Dallas, TX 75220

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

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:

a) This violation occurred on or about May 9, 2018, and at times prior thereto; the employer did not conduct a period inspection of the energy control procedure for Sweed machine at least annually.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/01/2018
Proposed Penalty:	$9959.00

Citation and Notification of Penalty

Company Name: Venture Metals, LLC
Inspection Site: 10848 Luna Road, Dallas, TX 75220

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

29 CFR 1910.147(c)(7)(i)(A): Authorized employee(s) did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolated:

a) On or about May 9, 2018, and at times prior thereto; the employer did not ensure that employees performing servicing, maintenance and/or clearing jam were trained. Employees were exposed to struck-by, crushed-by moving parts, while performing work on Baler machine.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/01/2018
Proposed Penalty:	$7114.00

Citation and Notification of Penalty

Company Name: Venture Metals, LLC
Inspection Site: 10848 Luna Road, Dallas, TX 75220

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

a) The employer did not ensure that lockout or tagout devices are affixed to each isolating device by authorized employees. This violation occurred on or about May 9, 2018, when lockout and/or tagout devices were not utilized by at least one (1) authorized employee clearing jam to the Baler machine.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/01/2018
Proposed Penalty:	$9959.00

Citation and Notification of Penalty

Company Name: Venture Metals, LLC
Inspection Site: 10848 Luna Road, Dallas, TX 75220

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

29 CFR 1910.147(f)(3)(ii)(D): Each authorized employee did not affix a personal lockout or tagout device to the group lockout device before working on the machine or equipment:

a) The employer did not ensure that each authorized employee affix a personal lockout or tagout device to the group lockout device before working on the machine or equipment. This violation occurred on or about May 9, 2018, when lockout and/or tagout devices were not utilized by each authorized employee clearing jam to the Baler machine.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 11/01/2018

Citation and Notification of Penalty

Company Name: Venture Metals, LLC
Inspection Site: 10848 Luna Road, Dallas, TX 75220

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

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

a) The employer did not ensure that each powered industrial truck operator has successfully completed the training program consisting of a combination of formal instruction, practical training, and evaluation. This violation occurred on or about May 9, 2018 and at times prior thereto; when employees were operating the forklifts without having formal instruction, practical training and evaluation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 11/01/2018
Proposed Penalty: $9959.00

Citation and Notification of Penalty

Company Name: Venture Metals, LLC
Inspection Site: 10848 Luna Road, Dallas, TX 75220

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

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

a) The employer did not close unused openings on electrical equipment. This violation occurred on or about May 9, 2018, and at times prior thereto; in the cable shop, electrical box used to provide power to Harris Baler machine had unused openings at the side of the box.

Date By Which Violation Must be Abated:	11/01/2018
Proposed Penalty:	$7114.00

Citation and Notification of Penalty

Company Name: Venture Metals, LLC
Inspection Site: 10848 Luna Road, Dallas, TX 75220

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

29 CFR 1910.305(b)(2)(i): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

a) This violation was observed on or about May 9, 2018, in the compressor area/maintenance shop; where electrical panel box was not covered.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/01/2018
Proposed Penalty:	$9959.00

Citation and Notification of Penalty

Company Name: Venture Metals, LLC
Inspection Site: 10848 Luna Road, Dallas, TX 75220

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

29 CFR 1910.23(b)(10): Ladders having defects were not marked and taken out of service until repaired:

a) This violation occurred on or about May 9, 2018, and at times prior thereto; in the cable shop, Baler area, where employees used a metal stepladder that had damaged on the left foot, exposing employees to the hazards of falling.

The Venture Metals, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.26(c)(2)(vii), which was contained in OSHA inspection number 1077524, citation number 1, item number 2 and was affirmed as a final order on 01/25/2016, with respect to a workplace located at 1970 Crown Road, Farmers Branch, TX 75234.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/01/2018
Proposed Penalty:	$17071.00

Citation and Notification of Penalty

Company Name: Venture Metals, LLC
Inspection Site: 10848 Luna Road, Dallas, TX 75220

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

29 CFR 1910.178(p)(1): Powered industrial truck(s) found to be in need of repair, defective, or in any way unsafe had not been taken out of service until restored to safe operating condition(s):

a) The employer did not ensure that power industrial trucks found to be in need of repair, defective, or anyway unsafe be taken out of service until restored to a safe operating condition. This violation occurred on or about May 9, 2018; when employees operated a Toyota forklift, model 7FDU70, SN 60239 that found to be in need of repair/defective had not been taken out of service.

The Venture Metals, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.178(p)(1), which was contained in OSHA inspection number 1085029, citation number 1, item number 2 and was affirmed as a final order on 01/20/2016, with respect to a workplace located at 1970 Crown Road, Farmers Branch, TX 75234.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 11/01/2018
Proposed Penalty: $19918.00

Basil Singh
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
1100 East Campbell Road, Suite 250
Richardson, TX 75081

INVOICE / DEBT COLLECTION NOTICE

Company Name: Venture Metals, LLC
Inspection Site: 10848 Luna Road, Dallas, TX 75220
Issuance Date: 10/22/2018

Summary of Penalties for Inspection Number	1315030
Citation 1, Serious	$72559.00
Citation 2, Repeat	$36989.00
TOTAL PROPOSED PENALTIES	$109548.00

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 $25,000 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.

Basil Singh
Area Director

10-22/2018
Date