

Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (814) 874-5150.

U.S. Department of Labor Occupational Safety and Health Administration
1128 State Street Suite 200
Erie, PA 16501
Phone: (814) 874-5150 Fax: (814) 874-5151



February 5, 2016

Dear Byron West,

On 08/19/2015, an OSHA compliance officer met with you or your representative as part of an inspection at 51 Railcar Street Warren, PA 16365. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,



Theresa A. Naim, Area Director

Your Citation Summary
Warren Railcar Service, Inc.
Inspection Number: 1086043

Total Amount Due: \$46,200.00
Payment Due Date: 15 working days
after receipt of
this letter

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 34
Your First Correction Deadline is:
03/03/2016

Step 1 – Choose a Response
Option and
Act within 15 working days

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (814) 874-5150.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call: Theresa A. Naim, Area Director, at (814) 874-5150 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****
2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

 __ / __ __ / __

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**
2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

 __ / __ __ / __

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

 __ / __



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/05/2016. The conference will be held by telephone or at the OSHA office located at 1128 State Street, Suite 200, Erie, PA 16501 on _____ at _____.

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

7015 0640 0002 9903 2426

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	\$ _____
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Street and Apt. No., or PO Box No. Reilcar
City, State, ZIP+4® _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1086043

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365
Issuance Date: 02/05/2016

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, 1128 State Street, Suite 200, Erie, PA 16501**

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: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that rail cars were being supported with homemade supports that were not rated for capacity or load tested:

A.) Warren Railcar Service Inc. - On or about 8/19/15, and at times prior thereto, the company was utilizing metal support that had been made in house to support rail cars. Employees work under, around, inside, and on top of the rail cars. The supports had not been load tested, rated for capacity or inspected. The metal supports had not been proof tested nor did they have any rated capacity markings or other identifying markings.

ABATEMENT NOTE:

1. Have the supports rated, load tested and approved by a professional engineer. The rated capacity established by the proof testing shall be marked in a prominent location on the supports by a casting imprint, metal stamp or other durable material and attachment method.
2. Devise a regular inspection schedule for all sets of the supports.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2016
\$2,800.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to crush injuries, caught between, and struck by hazards from industrial trucks not being equipped with operator restraint devices:

A.) Warren Railcar Service, Inc. - On or about 8/19/15, and at times prior thereto, employees were operating a forklift, Yale Serial #P-3059516 but were not wearing a seat belt or restraint device. The Yale forklift was not equipped with a seatbelt.

ABATEMENT NOTE: Among other methods, one feasible and acceptable abatement method to correct the hazard is to:

1. Install seatbelts on the forklift
2. Train and require employees to wear the seat belt when operating the forklift

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2016
\$2,800.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.22(b)(1): Aisles and passageways were not kept clear and in good repair, with no obstruction across or in aisles that could create a hazard.

A.) Warren Railcar Service Inc.; throughout facility - On or about 8/19/15, and at times prior thereto, employees were potentially exposed to a trip and fall hazard from defects in the floor (walking/working surface). These defects included but were not limited to heaves, dips, pot holes, and buckles. The defected area extended from the entrance for the railcars to the end of the machining area.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2016
\$1,600.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent) and toeboards:

A.) Warren Railcar Service, Inc. - On or about 8/19/15, and at times prior thereto, employees were walking on the top of railcars without fall protection. Work activities included, but were not limited to, welding work and inspection activities. Employees were exposed to a fall hazard of at least 14 feet.

In the alternative:

29 CFR 1910.132 (a): Protective equipment was not provided, maintained, and used wherever it is necessary by reason of hazards:

A.) Warren Railcar Service, Inc. - On or about 8/19/15, and at times prior thereto, employees were walking on top of railcars and were not wearing any personal fall arrest. Work activities included, but were not limited to, welding work and inspection activities. Employees were exposed to a fall hazard of at least 14 feet.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2016
\$2,800.00

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: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.252(b)(1)(i): A welder or helper working on platforms, scaffolds, or runways was not protected against falling:

A.) Warren Railcar Service, Inc. - On or about 8/19/15, and at times prior thereto, employees were walking on the top of railcars without fall protection. Work activities included, but were not limited to, welding work. Employees were exposed to a fall hazard of at least 14 feet.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:

03/03/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

A.) Warren Railcar Service Inc. - On or about 8/19/15, and at times prior thereto, employees were performing servicing and maintenance work on machines and equipment that included, but were not limited to, cranes, press brake, and front end loader. A lockout/tagout program consisting of procedures, employee training, and periodic inspections was not developed, documented, and implemented.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2016
\$2,000.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

Citation 1 Item 5 b 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.) Warren Railcar Service Inc. - On or about 8/19/15, and at times prior thereto, employees were performing servicing and maintenance work on machines and equipment that included, but were not limited to, cranes, press break, and front end loader. The authorized employee performing the work did not affix their own lockout device. The lockout device was applied/controlled by the supervisor.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:

03/03/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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 1910.157(e)(3): Portable fire extinguishers were not subjected to an annual maintenance check:

A.) Warren Railcar Service, Inc. - On or about 8/19/15, approximately 10-15 fire extinguishers in the facility did not have an annual maintenance inspection. The ABC fire extinguishers were last inspected in June of 2013.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2016
\$1,600.00

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

Inspection Number: 1086043
Inspection Date(s): 08/19/2015 – 11/25/2015
Issuance Date: 02/05/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.157(e)(2): Portable fire extinguishers were not visually inspected at least monthly:

A.) Warren Railcar Service, Inc. - On or about 8/19/15, approximately 10-15 fire extinguishers were distributed throughout the facility. A monthly fire extinguisher inspection program was not developed and implemented. Monthly fire extinguisher inspections were not conducted on the ABC fire extinguishers.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:

03/03/2016

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: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.176(f): Derail and/or bumper blocks were not provided on spur railroad tracks where a rolling car could contact other cars being worked or enter a building, work or traffic area:

A.) Warren Railcar Service, Inc. - On or about 8/19/155, the company did not have derailing/blocking devices to prevent the railcars from rolling into one another. The railcars were held in place by pieces of dilapidated wood stuck at the wheel area of the railcars. Employees performed work in between, on top and underneath the railcars.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated: 03/03/2016
Proposed Penalty: \$2,800.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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 8 a Type of Violation: **Serious**

29 CFR 1910.178(a)(4): Modifications and additions which affect capacity and safe operation of powered industrial truck were performed by the employer without the manufacturer's prior written approval. Capacity, operation, and maintenance instruction plates, tags or decals of the powered industrial truck were not changed accordingly:

A.) Warren Railcar Service, Inc. - On or about, 8/19/15, and at times prior thereto, the company was utilizing a man basket forklift attachment on the Yale forklift (serial #P-3059516). The manufacturer's approval to use the attachment with the forklift was not obtained. In addition, associated data and capacity plates were not changed to reflect the attachment.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2016
\$1,600.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.178(a)(5): The powered industrial truck was equipped with front-end attachments other than factory installed attachments, however the employer did not request that the truck be marked to identify the attachments and show the approximate weight of the truck and attachment combination at maximum elevation with load laterally centered:

A.) Warren Railcar Service, Inc. - On or about, 8/19/15, and at times prior thereto, the company was utilizing a man basket forklift attachment on the Yale forklift (serial #P-3059516). The Yale fork trucks data and capacity plates were not changed to reflect the attachment.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement

Date By Which Violation Must be Abated:

03/03/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

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

A.) Warren Railcar Service, Inc. - On or about 8/19/15, and at time prior thereto, employees had not received training and evaluation on the powered industrial trucks that they operate. Employees operated forklifts that included, but were not limited to, Yale forklift (serial #P-3059516).

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2016
\$2,800.00

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

Inspection Number: 1086043
Inspection Date(s): 08/19/2015 – 11/25/2015
Issuance Date: 02/05/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.179(g)(1)(v): Pendant control box(es) were not clearly marked for identification of functions:

A.) Warren Railcar Service, Inc. - On or about 8/19/15, and at times prior thereto, the two pendant boxes controlling the 6 ton crane were not marked identifying which button controlled the cranes' travel direction.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2016
\$2,800.00

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: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.179(j)(2)(iii): Monthly inspections of hooks, with a certification record which includes the date of inspection, the signature of the person who performed the inspection and the serial number, or other identifier, of the hook inspected, were not performed:

A.) Warren Railcar Service, Inc. - On or about 8/19/15, the employer did not perform certified monthly inspections on crane hooks used on, but not limited to, the Roper 10 ton crane and a 6 ton crane.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:

03/03/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.179(l)(1): A preventive maintenance program based on the crane manufacturer's recommendations was not established

A.) Warren Railcar Service, Inc. - On or about 8/19/15, the company did not have a preventative maintenance program in place. The employer did not establish a preventative maintenance program based on manufacturer's recommendations for cranes that included, but are not limited to, Roper 10 ton crane and 6 ton crane.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:

03/03/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.179(m)(1): A thorough inspection of all ropes were not being made at least once a month

A.) Warren Railcar Service, Inc. - On or about 8/19/15, the company did not establish a monthly inspection program for the running ropes used on, but not limited to, the Roper 10 ton crane and 6 ton crane.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:

03/03/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

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

A.) Warren Railcar Service, Inc., maintenance area - On or about 8/19/15, and at times prior thereto, damaged wire rope slings were utilized to unload trucks. The items unloaded from the trucks included, but were not limited to, bolsters. Slings were defective for reasons including, but not limited to, kinking, bends, and bird caging on the wire rope slings.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2016
\$2,000.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.184(c)(14): The employer allowed for slings without affixed and legible identification markings to be used:

A.) Warren Railcar Service, Inc., maintenance area - On or about 8/19/15, and at times prior thereto, alloy steel chain slings without identification tags were used to unload trucks. The items unloaded from the trucks included, but were not limited to, bolsters.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:

03/03/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.184(d): Each day before being used, the sling and all fastenings and attachments were not being inspected for damage or defects by a competent person designated by the employer:

A.) Warren Railcar Service, Inc., - On or about 8/19/15, and at times prior thereto, wire rope slings were not inspected prior to use each day for deficiencies. Wire rope slings had damage and defects. The damage/defects included but were not limited to, kinks, bird caging, and bends.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:

03/03/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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 13 a 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:

A.) Warren Railcar Service, Inc. - On or about 8/19/15, and at times prior thereto, alloy steel slings without identification tags were used to unload tucks. The items unloaded from the trucks included, but were not limited to, bolsters.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2016
\$2,000.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

Citation 1 Item 13 b Type of Violation: **Serious**

29 CFR 1910.184(e)(2)(ii): Makeshift link(s) or fastener(s) formed from bolts, or other such attachment(s) were used to connect links or fastenings on alloy steel chain sling(s):

A.) Warren Railcar Service, Inc., - On or about, 8/19/15, and at times prior thereto, a steel allow chain had a bolt inserted into the link to add additional linkage to the chain. The slings were used to unload items, including, but not limited to, bolsters, from trucks.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:

03/03/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

Citation 1 Item 13 c Type of Violation: **Serious**

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

A.) Warren Railcar Service, Inc. - On or about 8/19/15, and at times prior thereto, alloy steel chain sling inspections were not being conducted. An alloy steel chain sling had deficiencies that include but were not limited to, a bolt attaching additional linkage to the chain.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:

03/03/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

Citation 1 Item 14 Type of Violation: **Serious**

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:

A.) Warren Railcar Service, Inc.; fabrication area - On or about 8/19/15, and at times prior thereto, the unused portion of the saw blade and the nip points with the blade guide rolls were not guard on the Armstrong horizontal band saw.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2016
\$2,000.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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 15 a Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

A.) Warren Railcar Service, Inc. - On or about 8/19/15, a Verson press brake was not guarded to prevent employees hands from entering into the point of operation. The employees hands were within 3 inches of the point of operation when bending the smallest parts.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated: 03/03/2016
Proposed Penalty: \$2,800.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

Citation 1 Item 15 b Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(iii): Special hand tools for placing and removing material(s) was not provided to permit easy handling of material without the operator placing a hand in the danger zone:

A.) Warren Railcar Service, Inc. - On or about 8/19/15, employees were operating a Verson press brake without special hand tools to keep their hands out of the point of operation. The press brake was not guarded to prevent employees from hands entering the point of operation. The employees hands were within 3 inches of the point of operation when bending the smallest parts.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:

03/03/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

Citation 1 Item 16 Type of Violation: **Serious**

29 CFR 1910.254(b)(4)(iv): Terminals for welding leads were not protected from accidental contact by personnel or metal objects:

A.) Warren Railcar Service, Inc., - On or about 8/19/15, a Lincoln welder had an uncovered/unprotected terminal for the welding lead. The welder was being utilized to weld on the railcars.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated: 03/03/2016
Proposed Penalty: \$1,600.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

Citation 1 Item 17 Type of Violation: **Serious**

29 CFR 1910.303(b)(1): Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

A.) Warren Railcar Service, Inc., - On or about 8/19/15, the pendant box wiring cover was cracked for the 6 ton crane.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:	03/03/2016
Proposed Penalty:	\$2,800.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

Citation 1 Item 18 Type of Violation: **Serious**

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

A.) Warren Railcar Service, Inc., - On or about 8/19/15, an electrical knockout box was laying on the ground and hard wired with a flexible cord. The knockout box was powering the plasma cutter. The electrical knockout box was intended and designed to be mounted to a surface, and was not designed for use as a cord cap/extension cord.

B.) Warren Railcar Service, Inc., - On or about 8/19/15, household type fans were being utilized to exhaust the air in the rail cars during welding activities. The fans were intended for household use.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:	03/03/2016
Proposed Penalty:	\$2,800.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

Citation 1 Item 19 b Type of Violation: **Serious**

29 CFR 1910.305(b)(1): Openings through which conductors enter boxes, cabinets, or fittings were not effectively closed:

A.) Warren Railcar Service, Inc., - On or about 8/19/15, the pendant box for the 6 ton crane did not have strain relief for the wiring. The wiring was not effectively enclosed at the top of the pendant box where the wiring had pulled out of the box leaving an open area.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:

03/03/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

Citation 1 Item 19 c 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:

A.) Warren Railcar Service, Inc., - On or about 8/19/15, the pendant box for the 6 ton crane did not have strain relief for the wiring. The wiring was pulling out of the top of the pendant box, leaving an exposed opening at the top of the pendant box.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:

03/03/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.29(b)(1): A Log of all recordable work-related injuries and illnesses (OSHA Form 300 or equivalent) was not completed in the detail as required by the regulation:

A.) Warren Railcar Service, Inc. - The entries in Column F on the OSHA 300 Log for Calendar Year 2015 were not descriptive in that the agent, object, and/or substance that directly injured or made the person ill was not noted/documented.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2016
\$1,000.00

A handwritten signature in black ink, appearing to read "Theresa A. Naim", written over a horizontal line.

Theresa A. Naim
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1128 State Street
Suite 200
Erie, PA 16501
Phone: 814-874-5150 Fax: 814-874-5151



INVOICE / DEBT COLLECTION NOTICE

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365
Issuance Date: 02/05/2016

Summary of Penalties for Inspection Number	1086043
Citation 1, Serious	\$45,200.00
Citation 2, Other-than-Serious	\$1,000.00
TOTAL PROPOSED PENALTIES	\$46,200.00

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.

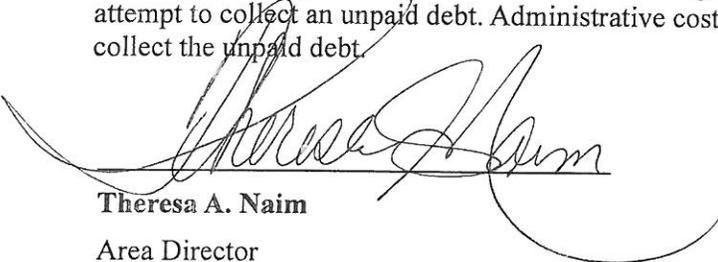
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Theresa A. Naim
Area Director

2/5/16
Date

Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (814) 874-5150.

U.S. Department of Labor Occupational Safety and Health Administration
1128 State Street Suite 200
Erie, PA 16501
Phone: (814) 874-5150 Fax: (814) 874-5151

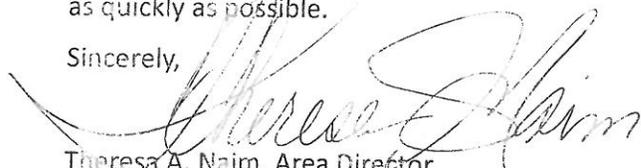


February 5, 2016

Dear Byron West,

On 08/19/2015, an OSHA compliance officer met with you or your representative as part of an inspection at 51 Railcar Street Warren, PA 16365. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,


Theresa A. Naim, Area Director

Your Citation Summary
Warren Railcar Service, Inc.
Inspection Number: 1086059

Total Amount Due: \$12,000.00
Payment Due Date: 15 working days
after receipt of
this letter

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 15

Your First Correction Deadline is:
03/03/2016

**Step 1 – Choose a Response
Option and
Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (814) 874-5150.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call: Theresa A. Naim, Area Director, at (814) 874-5150 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

 ___ / ___

2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

 ___ / ___

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

 ___ / ___

2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

 ___ / ___

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

 ___ / ___



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/05/2016. The conference will be held by telephone or at the OSHA office located at 1128 State Street, Suite 200, Erie, PA 16501 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1086059

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365
Issuance Date: 02/05/2016

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, 1128 State Street, Suite 200, Erie, PA 16501**

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: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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 1910.95(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.) Warren Railcar Service, Inc., 51 Railcar Road, Warren, Pa 16365 - On or about September 9th, 2015, and times prior thereto: The employer did not institute a continuing and effective hearing conservation program when an employees noise exposure exceeded an 8 hour time weighted average sound level of 85 dbA. An employee (welder) performing welding operations including, but not limited to, welding, cutting, and metal to metal hammering of railroad hopper cars and railroad hopper car components was exposed to noise at a level of 84.81 % of the allowable limit during a 470 minute sampling period on September 9th, 2015; exposure calculations included a zero increment for the 10 minutes not sampled. This exposure is equivalent to a sound level of 88.8 dbA for the dose and time of the employee exposure.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated: 03/24/2016
Proposed Penalty: \$2,000.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.95(d)(1): When information indicated that any employee's exposure equaled or exceed the 8-hour time-weighted average of 85 decibels, the employer did not develop and implement a monitoring program:

a.) Warren Railcar Service, Inc., 51 Railcar Road Warren, Pa 16365 - On or about September 9th, 2015, and times prior thereto: The employer had neither developed a noise monitoring program nor conducted noise monitoring for employees potentially exposed to an 8-hour TWA (time weighted average) of 85 dbA.

ABATEMENT NOTE:

1. Sampling strategy shall be designed to identify employees for inclusion in the hearing conservation program and to enable the proper selection of hearing protectors.
2. Personal sampling shall be used to comply with the monitoring requirement where circumstances such as high worker mobility would make area monitoring generally inappropriate.
3. All continuous, intermittent and impulsive sound levels from 80 decibels to 130 decibels shall be integrated into the noise measurements.
4. Instruments used to measure employee noise exposure shall be calibrated to ensure measurement accuracy.
5. Monitoring shall be repeated whenever a change in production, process, equipment or controls may increase noise exposure, expose additional employees or when the hearing protectors may be rendered inadequate.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:

03/24/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.95(g)(5)(i): The employer did not establish, within 6 months of an employee's first exposure at or above the action level, a valid baseline audiogram against which subsequent audiograms can be compared:

a.) Warren Railcar Service, Inc., 51 Railcar Road, Warren, Pa 16365 - On or about September 9th, 2015, and times prior thereto: The employer had not established valid baseline audiograms within 6 months of employees' first exposure for those employees overexposed to noise as described in Citation 1 Item 1a.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:

03/24/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.95(k)(1): The employer did not train each employee who is exposed to noise at or above an 8-hour time-weighted average of 85 decibels in accordance with the requirements of 29 CFR 1910.95(k). The employer did not institute a training program and ensure employee participation in the program:

a) Warren Railcar Service, Inc., 51 Railcar Road, Warren, Pa 16365 - On or about September 9th, 2015, and times prior thereto: The employer did not institute, and ensure employee participation in, a Hearing Conservation training program for all employees who were exposed to noise that exceeded an 8 hour time weighted average sound level of 85 dBA as described in Citation 1 Item 1a.

ABATEMENT NOTE:

The employer shall ensure that each employee is informed of the following:

- 1) The effects of noise on hearing;
- 2) The purpose of hearing protectors, the advantages, disadvantages, and attenuation of various types, and instructions on selection, fitting, use, and care; and
- 3) The purpose of audiometric testing, and an explanation of the test procedures.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:

03/24/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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 2 a Type of Violation: **Serious**

29 CFR 1910.132(h)(1): The employer did not provide the protective equipment, including personal protective equipment (PPE), used to comply with this part, at no cost to employees:

a.) Warren Railcar Service, Inc., 51 Railcar Road, Warren, Pa 16365 - On or August 19th , 2015, and times prior thereto: The employer did not provide personal protective equipment including, but not limited to, welding jackets, and welding pants at no cost to the employee for those employees performing welding and cutting operations on/in railroad hopper cars.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:	03/03/2016
Proposed Penalty:	\$1,600.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.132(f)(1): The employer did not provide training to each employee who is required by this section to use personal protective equipment:

a.) Warren Railcar Service, Inc., 51 Railcar Road, Warren, Pa 16365 - On or August 19th, 2015, and times prior thereto: Employees were not provided with personal protective equipment training which included, but not limited to, welding shields/helmets, safety glasses and gloves.

ABATEMENT NOTE: Employees shall be informed of:

- 1.) The requirements of this section;
- 2.) Any operations in their work area where personal protective equipment is needed;

Employee training shall include at least:

- 1.) When PPE is necessary;
- 2.) What PPE is necessary;
- 3.) How to properly don, doff, adjust, and wear PPE;
- 4.) The limitations of the PPE; and,
- 5.) The proper care, maintenance, useful life and disposal of the PPE.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:

03/24/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.132(d)(2): The employer did not verify that the required workplace hazard assessment has been performed through a written certification which included the requirements as outlined in 29 CFR 1910.132(d)(2):

a.) Warren Railcar Service, Inc., 51 Railcar Road, Warren, Pa 16365 - On or August 19th , 2015, and times prior thereto: The employer did not maintain a personal protective equipment hazard certification.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:

03/24/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.141(a)(3)(i): Places of employment were not kept clean to the extent that the nature of the work allowed:

a.) Warren Railcar Service, Inc. 51 Railcar Road, Warren, Pa 16365 - On or about September 9th, 2015, and times prior thereto: The employer did not ensure the fabrication shop lunch room was kept clean from toxic metals to the extent that the nature of the work allowed. Analytical results indicated the presence of toxic metals, as follows:

1. Lunch room table next to employee time clock in fabrication shop lunch room:
5.5032 ug Manganese, 952.75 ug Iron Oxide;
2. Lunch room table next to refrigerator in the fabrication shop lunch room: 10.1060 ug Manganese, 1803.3 ug Iron Oxide.

ABATEMENT NOTE: Among other methods, feasible and acceptable means to correct the conditions noted include but are not limited to:

- 1) Daily periodic cleaning of the eating areas.
- 2) Retraining personnel on proper hygiene practices prior to utilizing eating areas.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:

03/03/2016

Proposed Penalty:

\$1,600.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

a.) Warren Railcar Service, Inc., 51 Railcar Road, Warren, Pa 16365 - On or about August 19th, 2015, and times prior thereto: The employer did not identify the railroad hopper cars as permit required confined spaces for those employees performing welding/cutting operations inside the hopper cars.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2016
\$2,800.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

Citation 1 Item 4 b 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.) Warren Railcar Service, Inc., 51 Railcar Road, Warren, Pa 16365 - On or about August 19th, 2015, and times prior thereto: The employer did not develop a written program for permit-required confined space entry for those employees performing work inside railroad hopper cars.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:

03/24/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

a.) Warren Railcar Service, Inc., 51 Railcar Road, Warren, Pa 16365 - On or about August 19th, 2015, and times prior thereto: Permit-required confined spaces including, but not limited to, railroad hopper cars, were not labeled to indicate the existence, location of, and danger posed by the permit spaces.

ABATEMENT NOTE: A sign reading DANGER- PERMIT-REQUIRED CONFINED SPACE, DO NOT ENTER or using other similar language would satisfy the requirement for a sign.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED: Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of the equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:

03/03/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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:

- a.) Warren Railcar Service, Inc., 51 Railcar Road, Warren, Pa 16365, Production areas - On or about August 19th, 2015, and times prior thereto: The employer did not develop and implement a written hazard communication program for employees working with and around hazardous substances including, but not limited to, propane, oxygen, welding fumes, rock salt, and petroleum coke during work operations onsite.

ABATEMENT NOTE: A written program shall include work-site specific descriptions of how the criteria for the following will be met (Who is responsible, how it will be done, etc):

1. Labeling and other forms of warning.
2. Material Safety Data Sheets.
3. Employee information and training.

Additionally, a list of hazardous chemicals known to be present in the workplace must be completed. Methods used to inform employees of the hazards associated with non-routine tasks and the informing of contractors of workplace hazards must also be addressed. The written program must be made available upon request.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/24/2016
\$2,400.00

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: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

a.) Warren Railcar Service, Inc. 51 Railcar Road, Warren, Pa 16365-Production areas- On or about August 19th, 2015, and times prior thereto: The employer did not provide effective hazard communication training for those employees working with and around hazardous substances including, but not limited to, propane, oxygen, welding fumes, rock salt, and petroleum coke during work operations onsite

ABATEMENT NOTE:

Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and safety data sheets.

INFORMATION: Employees shall be informed of:

1. The requirements of this section;
2. Any operations in their work area where hazardous chemicals are present; and,
3. The location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and safety data sheets required by this section.

TRAINING: Employee training shall include at least:

1. Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);
2. The physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area;

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: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

3. The measures employees can take to protect themselves from these 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; and,
4. The details of the hazard communication program developed by the employer, including an explanation of the labels received on shipped containers and the workplace labeling system used by their employer; the safety data sheet, including the order of information and how employees can obtain and use the appropriate hazard information.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:

03/24/2016



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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 1910.1200(f)(5)(i): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein:

a.) Warren Railcar Service, Inc., 51 Railcar Road, Warren, Pa 16365 - On or about August 19th, 2015, and times prior thereto: The approximately 200 gallon tank of kerosene was not labeled to identify the chemical(s) contained within the tank.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$1,600.00



Citation and Notification of Penalty

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365

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

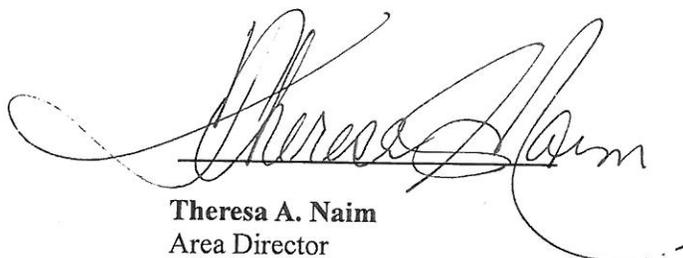
29 CFR 1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings:

a.) Warren Railcar Service, Inc., 51 Railcar Road, Warren, Pa 16365 - On or about August 19th, 2015, and times prior thereto: The approximately 200 gallon tank of kerosene was not labeled to identify the hazard warnings of the chemical(s) contained within the tank.

ABATEMENT CERTIFICATION REQUIRED: Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of the abatement.

Date By Which Violation Must be Abated:

03/03/2016


Theresa A. Naim
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1128 State Street
Suite 200
Erie, PA 16501
Phone: 814-874-5150 Fax: 814-874-5151



INVOICE / DEBT COLLECTION NOTICE

Company Name: Warren Railcar Service, Inc.
Inspection Site: 51 Railcar Street, Warren, PA 16365
Issuance Date: 02/05/2016

Summary of Penalties for Inspection Number	1086059
Citation 1, Serious	\$12,000.00
TOTAL PROPOSED PENALTIES	\$12,000.00

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.

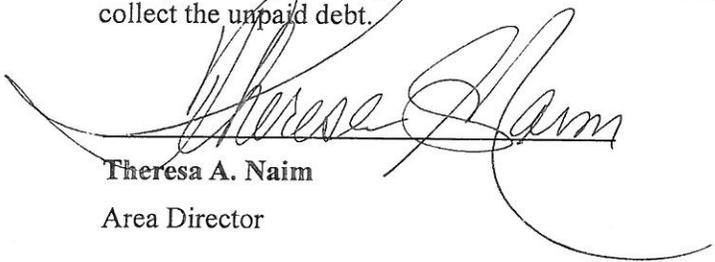
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Theresa A. Naim
Area Director

2/5/16
Date