

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street, Room 620
Columbus, OH 43215
Phone: 614-469-5582 Fax: 614-469-6791



Citation and Notification of Penalty

To:
Yenkin-Majestic Paint Corporation
dba OPC Polymers
and its successors
1920 Leonard Avenue
Columbus, OH 43219

Inspection Site:
1920 Leonard Avenue
Columbus, OH 43219

7011 2970 0004 0989 7316

Inspection Number: 282228
Inspection Date(s): 03/22/2012 - 07/19/2012
Issuance Date: 09/14/2012

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 mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

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

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

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

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

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

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

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

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

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

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

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to

the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on September 14, 2012. The conference will be held at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 282228

Company Name: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219
Issuance Date: September 14, 2012

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, 200 N. High Street, Room 620, Columbus, OH 43215**

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

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

29 CFR 1910.119(d)(2)(i)(C): Information concerning the technology of the process shall include at least the following: Maximum intended inventory:

- a. The employer's process safety information (PSI) did not include the maximum intended inventory for the K3 kettle unit/system.
- b. The employer's process safety information (PSI) did not include the maximum intended inventory for the K4 kettle unit/system.
- c. The employer's process safety information (PSI) did not include the maximum intended inventory for the K5 kettle unit/system.
- d. The employer's process safety information (PSI) did not include the maximum intended inventory for the K6 kettle unit/system.
- e. The employer's process safety information (PSI) did not include the maximum intended inventory for the K7 kettle unit/system.
- f. The employer's process safety information (PSI) did not include the maximum intended inventory for the K8 kettle unit/system.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/14/2012
Proposed Penalty:	\$6930.00

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

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 1910.119(d)(3)(i)(A): Information pertaining to the equipment in the process shall include:
Materials of construction:

- a. The employer's process safety information (PSI) did not include the materials of construction for the open top catch tank for the K5, K6, and K7 kettles.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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

29 CFR 1910.119(d)(3)(i)(F): Information pertaining to the equipment in the process shall include:
Design codes and standards employed:

- a. The employer's process safety information (PSI) did not include the design codes and standards employed for the open top catch tank for the K5, K6, and K7 kettles.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

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

29 CFR 1910.119(d)(3)(i)(B): Information pertaining to the equipment in the process shall include:
Piping and instrument diagrams (P&ID's):

- a. The employer did not have a piping and instrument diagram (P&ID) for the cooling water supply and return system which was connected to the K7 kettle unit/system.
- b. The employer did not have a P&ID for the press filtration process which included the East, West, and North press piping manifold which was connected to the K7 kettle unit/system.
- c. The employer did not have a P&ID for the foam over tank at K5 which was connected to the K7 kettle unit/system.
- d. The employer did not have a P&ID for the raw material storage tank farm which included the monomer tanks, solvent tanks, and East storage tanks 1 through 13.
- e. The employer did not have a P&ID for the finished goods tank farm.
- f. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that a cooling water return pot which was added on or about December 29, 1998, was not identified.
- g. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that a temperature indicator which was identified on the monomer feed weigh tank WT-7A was never installed.
- h. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that a high level alarm indicator and alarm on the monomer feed weigh tank WT-7A was not identified.

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

- i. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that an isolation valve on the monomer line between the monomer feed weigh tank WT-7A and monomer pump PU-7A was not identified.
- j. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that two isolation valves on the monomer line between the monomer pump PU-7A and check valve prior to the static mixer SM-7 were not identified.
- k. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that an additional isolation valve which did not exist was identified on the catalyst line between the catalyst tank WT-7B and catalyst pump PU-7B.
- l. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that two isolation valves on the monomer line between the static mixer SM-7 and K-7 reactor were not identified.
- m. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that an additional isolation valve which did not exist was identified on the catalyst gravity feed line on top of the K-7 reactor.
- n. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that the 1 inch catalyst gravity feed line was identified with the incorrect pipe size of 1 1/2 inches.
- o. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that the 1 inch catalyst line between the bottom of the catalyst tank WT-7B and reducer was identified with the incorrect pipe size of 1 1/2 inches.
- p. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that the 1 1/2 inch monomer line between the bottom of the monomer feed weigh tank WT-7A and the reducer was identified with the incorrect pipe size of 2 inches.

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

- q. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that an isolation valve and solvent line which were installed on the 1 inch monomer line above the K-7 reactor in or about 1998 were not identified.
- r. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that the catalyst pump PU-7B pressure vent line and ball valve which vented back to the catalyst tank WT-7B and installed on or about August 10, 1999, were not identified.
- s. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that the monomer sparge rings for the K-7 reactor which were removed on or about October 11, 1998, were still identified.
- t. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that the outer coil for steam and the inner coil for cooling in the K-7 reactor which were modified and reversed on or about September/October 2000 were not identified as being changed.
- u. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that the scale tank ST-10 was identified as WT-7C.
- v. The P&ID (Drawing No. 5194-D-25) Flow Sheet For K-7 Reactor System dated on or about April 27, 1998, was not accurate in that numerous ball valves were identified as gate/globe valves.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/14/2012
Proposed Penalty:	\$6930.00

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

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

29 CFR 1910.119(d)(3)(i)(D): Information pertaining to the equipment in the process shall include: Relief system design and design basis:

a. The employer's process safety information (PSI) did not include the relief system design and design basis for the K7 kettle emergency relief and effluent handling system.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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

29 CFR 1910.119(d)(3)(ii): The employer shall document that equipment complies with recognized and generally accepted good engineering practices:

- a. The employer's process safety information (PSI) did not document that the open top catch tank for the K5, K6, and K7 kettles complied with recognized and generally accepted good engineering practices (RAGAGEP).
- b. The employer's PSI did not document that the K8 ventilation including two direct drive roof exhaust fans complied with RAGAGEP by ensuring that the exhaust fans were rated for a hazardous classified location.
- c. The employer did not document that the K7 kettle complied with RAGAGEP by maintaining a Form U-1 Manufacturer' Data Report for Unfired Pressure Vessels.
- d. The employer did not document that the K7 kettle complied with RAGAGEP by ensuring that a nameplate was on the vessel or by maintaining the vessel decommissioning information.

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

e. The employer did not document that the K7 kettle complied with RAGAGEP by maintaining Report of Repairs or Alterations when the inner cooling coils were moved up towards the top of the vessel, two 2 inch nozzles on the top head were changed to 3 inch nozzles, three new 3 inch bottom connections were added, and both sparge rings were removed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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

29 CFR 1910.119(e)(3)(i): The process hazard analysis shall address: The hazards of the process:

- a. The employer's PHA-K7 and K6 Replacement did not address the hazards associated with overfilling the catch tank which was connected to three kettles and relief of flammable material into a catch tank with an open top.
- b. The employer's PHA-K7 and K6 Replacement did not address the hazards associated with organic peroxide catalysts and their incompatibility with bronze valves/piping components and heat from the K7 steam condensate system and piping during the transfer from the catalyst tank WT-7B into the K7 kettle.
- c. The employer's PHA-K7 and K6 Replacement did not adequately address the hazards associated with venting the pressure safety relief valve on the discharge side of the catalyst pump PU-7B back to the inlet side of the pump in lieu of venting it into the catalyst tank WT-7B.

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

d. The employer's PHA-K7 and K6 Replacement did not adequately address the hazards associated with venting the pressure safety relief valve on the discharge side of the monomer pump PU-7A back to the inlet side of the pump in lieu of venting it into the monomer feed weigh tank WT-7A.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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

29 CFR 1910.119(e)(3)(iv): The process hazard analysis shall address: Consequences of failure of engineering and administrative controls:

a. The employer's PHA-K7 and K6 Replacement did not address consequences of failure of engineering and administrative controls involving alarms, interlocks, and shutdowns, including, but not limited to, the following: failure of high temperature alarms, high pressure alarm, low/high agitation speed control and alarm, monomer tank high level alarm, secondary condenser vent temperature control, and emergency stop/shutdown buttons.

b. The employer's PHA-K7 and K6 Replacement did not address consequences of failure of engineering and administrative controls including lack of ventilation in the resin building due to failure or not being turned on during operations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

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

29 CFR 1910.119(e)(3)(v): The process hazard analysis shall address: Facility siting:

a. The employer's PHA-K7 and K6 Replacement did not address facility siting for the K7 kettle unit/system such as, but not limited to, the following: vehicle operations including powered industrial trucks inside and around the resin plant which subjected the process equipment and associated piping to vehicular impact; and construction design and location of occupied structures in the resin plant such as the K6/K7 control room.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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

29 CFR 1910.119(e)(3)(vi): The process hazard analysis shall address: Human factors:

a. The employer's PHA-K7 and K6 Replacement did not address human factors for the K7 kettle unit/system such as, but not limited to, the following: communications during shift turnover and during operations; lack of operator response to critical alarms; fatigued operators when covering two shifts; and operator overload during normal operations, emergency operations, and emergency shutdown.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

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

29 CFR 1910.119(e)(6): At least every five (5) years after the completion of the initial process hazard analysis, the process hazard analysis shall be updated and revalidated by a team meeting the requirements in paragraph (e)(4) of this section, to assure that the process hazard analysis is consistent with the current process:

- a. In the resin plant, the employer did not update and revalidate the initial PHA-K7 and K6 Replacement, dated on or about January 8, 1999, at least every five years.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/14/2012
Proposed Penalty:	\$6930.00

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

29 CFR 1910.119(f)(1): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements:

- a. In the resin plant, the K7-Kettle Operation, Procedure No. RP-K7050 was not effectively implemented in that the actual practice of adding catalyst hits through the catalyst pump did not reflect the written operating procedure of adding catalyst hits through the gravity feed line to the K7 kettle.



Citation and Notification of Penalty

Company Name: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

b. In the resin plant, the Kettle Specific Procedure-7689-V-60 was not effectively implemented in that the actual practice of increasing the process temperature above 275 degrees F did not reflect the written operating procedure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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

29 CFR 1910.119(f)(3): The operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to facilities. The employer shall certify annually that these operating procedures are current and accurate:

a. The employer did not certify annually that the following operating procedures related to the K7 kettle system/unit were current and accurate: Kettle Operators' Training Manual; K6 & K7 Computer Operation Flow Chart, Procedure No. RP-K7002; K7-Kettle Operation, Procedure No. RP-K7050; K7-Emergency Shutdown/Manual Operation, Procedure No. RP-K7051; K6 & K7 Computer Startup/Shutdown, Procedure No. RP-K7052; K6 and K7-Base Charging Operation, Procedure No. RP-K7502; Base Heat Exchanger, Procedure No. RP-K7503; K6 & K7-Monomer Charging Operation, Procedure No. RP-K7504; K6 & K7-Catalyst Charging Operation, Procedure No. RP-K7505; K6 & K7-Supervisor Screen Operation, Procedure No. RP-K7508; and K6 & K7 Control Panel Description, Procedure No. RP-K7510.

b. The employer did not review the K7-Kettle Operation, Procedure No. RP-K7050 as often as necessary to assure that the operating procedure of adding catalyst hits through the gravity feed line to the K7 kettle reflected current operating practice of adding catalyst hits through the catalyst pump.

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

c. The employer did not review the Kettle Specific Procedure-7689-V-60 as often as necessary to assure that the operating procedure of increasing the process temperature to 275 degrees F reflected the current operating practice of increasing the process temperature above 275 degrees F.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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 1910.119(g)(2): Refresher training. Refresher training shall be provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process. The employer, in consultation with the employees involved in operating the process, shall determine the appropriate frequency of refresher training:

a. In the resin plant, the employer did not provide refresher training at least every three years for nine of its employees who operated the K3, K4, K5, K6, K7, and K8 kettle systems/units.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00



Citation and Notification of Penalty

Company Name: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

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

29 CFR 1910.119(g)(3): Training documentation. The employer shall ascertain that each employee involved in operating a process has received and understood the training required by this paragraph. The employer shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training:

a. In the resin plant, the employer did not prepare a training record for the initial training of at least nine of its employees who operated the K3, K4, K5, K6, K7, and K8 kettle systems/units.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/14/2012

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

29 CFR 1910.119(j)(2): Written procedures. The employer shall establish and implement written procedures to maintain the on-going integrity of process equipment:

a. At the resin plant, the employer did not establish and implement written procedures to maintain the on-going integrity of pressure vessels and storage tanks.

b. At the resin plant, the employer did not establish and implement written procedures to maintain the on-going integrity of piping systems including piping components such as valves.

c. At the resin plant, the employer did not establish and implement written procedures to maintain the on-going integrity of relief and vent systems and devices.

d. At the resin plant, the employer did not establish and implement written procedures to maintain the on-going integrity of emergency shutdown systems.

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

- e. At the resin plant, the employer did not establish and implement written procedures to maintain the on-going integrity of controls including monitoring devices and sensors, alarms, and interlocks.
- f. At the resin plant, the employer did not establish and implement written procedures to maintain the on-going integrity of pumps.
- g. At the resin plant, the employer did not establish and implement written quality assurance procedures to assure that equipment, maintenance materials, and spare parts were suitable for the process application for which they would be used.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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

29 CFR 1910.119(j)(3): Training for process maintenance activities. The employer shall train each employee involved in maintaining the on-going integrity of process equipment in an overview of that process and its hazards and in the procedures applicable to the employee's job tasks to assure that the employee can perform the job tasks in a safe manner:

- a. At the resin plant, the employer did not train a process engineer, involved in maintaining the on-going integrity of the process vessels through nondestructive examination (NDE) which included ultrasonic testing (UT) and dye-penetrant examination of kettle 5, scale tanks, and storage tanks, in the procedures applicable to the employee's job tasks.



Citation and Notification of Penalty

Company Name: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

b. At the resin plant, the employer did not train maintenance employees, involved in maintaining the on-going integrity of the process through inspections and testing of equipment which included kettles, agitators, piping bridges, high level alarms, pumps, motors, rupture disks, storage tanks, scale tanks, and other tanks, in the procedures applicable to the employee's job tasks.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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 16 a Type of Violation: Serious

29 CFR 1910.119(j)(4)(i): Inspections and tests shall be performed on process equipment:

- a. In the resin plant, the employer did not ensure that inspections and tests were being performed on the piping components such as ball valves, solenoid valves, and pressure safety valves for the K7 kettle unit/system.

- b. In the resin plant, the employer did not ensure that inspections and tests were being performed on controls such as the high level alarm for the K7 monomer weigh tank WT-7A, the RPM sensor for the agitator shaft on the K7 kettle, reaction temperature control on the K7 kettle, and temperature control in the secondary condenser vent.

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

c. In the resin plant, the employer did not ensure that inspections and tests were being performed on emergency shutdown systems such as those for the K6, K7, and K8 kettles.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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

29 CFR 1910.119(j)(4)(ii): Inspection and testing procedures shall follow recognized and generally accepted good engineering practices:

- a. In the resin plant, the employer did not follow recognized and generally accepted good engineering practices (RAGAGEP) when they did not conduct thorough vessel inspections for vessels such as the K7 kettle by failing to perform internal inspections and external inspections including thickness measurements.
- b. In the resin plant, the employer did not follow RAGAGEP when they did not conduct thorough piping inspections for the K7 unit/system by failing to perform external inspections including thickness measurements and valve inspections.
- c. In the resin plant, the employer did not follow RAGAGEP when they did not conduct thorough pump inspections for the K7 unit/system by failing to perform detailed inspections including vibration analysis.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012



Citation and Notification of Penalty

Company Name: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

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

29 CFR 1910.119(j)(4)(iv): The employer shall document each inspection and test that has been performed on process equipment. The documentation shall identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test:

- a. In the resin plant, the employer did not document inspections performed on relief devices such as the rupture disk, effluent piping, and catch tank for the K7 kettle.
- b. In the resin plant, the employer did not document inspections performed on pipe bridges such as the pipe bridge containing process chemical piping behind the K6 kettle.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012



Citation and Notification of Penalty

Company Name: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

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 17 a Type of Violation: **Serious**

29 CFR 1910.119(j)(6)(i): In the construction of new plants and equipment, the employer shall assure that equipment as it is fabricated is suitable for the process application for which they will be used:

- a. The employer did not assure that the use of bronze valves/piping components were suitable for the process of transferring organic peroxide catalysts from the catalyst tank WT-7B into the K7 kettle.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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

29 CFR 1910.119(j)(6)(ii): Appropriate checks and inspections shall be performed to assure that equipment is installed properly and consistent with design specifications and the manufacturer's instructions:

- a. The employer did not assure that the proximity of the K7 steam condensate system and piping to the catalyst and monomer lines were suitable for the process of transferring organic peroxide catalysts from the catalyst tank WT-7B into the K7 kettle.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

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

29 CFR 1910.119(l)(1): The employer shall establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process:

- a. A management of change was not implemented and documented for a change involving the periodic increase of the batch temperature above 275 degrees F on the K7 kettle which was not specified in the Kettle Specific Procedure (KSP) 7689-V-60.
- b. A management of change was not implemented and documented for a change involving the addition of catalyst hits to the K7 kettle through the pump in lieu of the gravity feed line which was not specified in the K7-Kettle Operation, Procedure No. RP-K7050.
- c. A management of change was not implemented and documented for the removal of the monomer sparge rings in the K7 kettle on or about October 11, 1998.
- d. A management of change was not implemented and documented for reconnecting and placing back into service the monomer tank high level alarms for K6 and K7 kettles after they were disconnected per MOC #509 on or about December 29, 2009.
- e. A management of change was not implemented and documented to verify that all considerations were addressed for MOC #9 involving the PLC computer system changes for K6 and K7 which changed the flow rate of the K6 monomer pump and changed the monomer addition on K7.
- f. A management of change was not implemented and documented to verify that all considerations were addressed for MOC #19 involving the installation of catalyst pump pressure relief that vents back to the K7 catalyst tank.
- g. A management of change was not implemented and documented to verify that all considerations were addressed for MOC #45 involving the installation of the cooling water return pot for the K7 kettle.

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

- h. A management of change was not implemented and documented to verify that all considerations were addressed for MOC #75 involving the modification to the heating and cooling coils in the K7 kettle.
- i. A management of change was not implemented and documented to verify that all considerations were addressed for MOC #445 involving the replacement of both the motor and variable frequency drive for the K7 catalyst pump.
- j. A management of change was not implemented and documented to verify that all considerations were addressed for MOC #509 involving temporarily disconnecting the K6 and K7 monomer tank high level alarms.
- k. A management of change was not implemented and documented to verify that all considerations were addressed for MOC #620 involving a new KSP 6671-VX-50 for K3, K4, and K5 kettles and a modified KSP 7689-V-60 which changed the base and increased the process temperature for K3, K6, and K7 kettles.
- l. A management of change was not implemented and documented to verify that all considerations were addressed for MOC #736 involving the modification of the standard operating procedure for K6 and K7.
- m. A management of change was not implemented and documented to verify that all considerations were addressed for MOC #774 involving the modification of KSP 7292-V-75 which changed the process viscosity for K3, K4, K5, and K8 kettles and KSP 7689-V-60 which changed the process viscosity, booster instructions, and solvent amounts.
- n. A management of change was not implemented and documented to verify that all considerations were addressed for MOC #790 involving the modification of KSP 7689-V-60 which changed the criteria for adding the booster and increased the process temperature to 275 degrees F.

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

- o. A management of change was not implemented and documented to verify that all considerations were addressed for MOC #792 involving the changes to the K7 kettle catalyst and monomer feed lines.
- p. A management of change was not implemented and documented to verify that all considerations were addressed for MOC #798 involving the relocation of the K7 catalyst gravity feed line.
- q. A management of change was not implemented and documented to verify that all considerations were addressed for MOC #803 involving the installation of a new solvent line for the spray heads of K7 kettle.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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

29 CFR 1910.119(o)(1): Employers shall certify that they have evaluated compliance with the provisions of this section at least every three years to verify that the procedures and practices developed under the standard are adequate and are being followed:

- a. At the workplace, the employer did not conduct a compliance audit every three years for its PSM covered processes.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/14/2012
Proposed Penalty: \$6930.00

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: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

Citation 1 Item 20 Type of Violation: **Serious**

29 CFR 1910.119(o)(4): The employer shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected:

- a. At the workplace, the employer's compliance audit dated on or about May 25, 1995, did not establish and document that the deficiencies had been corrected.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/14/2012
Proposed Penalty:	\$6930.00



Citation and Notification of Penalty

Company Name: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219

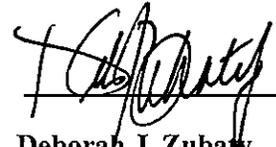
Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.132(d)(2): 'The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment:

a. At the workplace, the employer did not certify that the personal protective equipment hazard assessment for maintenance employees had been performed through a written certification.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$.00



Deborah J. Zubaty
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215
Phone: 614-469-5582 Fax: 614-469-6791



INVOICE / DEBT COLLECTION NOTICE

Company Name: Yenkin-Majestic Paint Corporation, dba OPC Polymers
Inspection Site: 1920 Leonard Avenue, Columbus, OH 43219
Issuance Date: 09/14/2012

Summary of Penalties for Inspection Number	282228
Citation 1, Serious	\$138600.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$138600.00

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

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

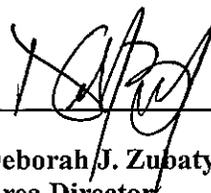
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

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

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

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

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



Deborah J. Zubaty
Area Director