

U.S. Department of Labor Occupational Safety and Health Administration
299 Cherry Hill Road,
Suite 103
Parsippany, NJ 07054
Phone: 973-263-1003 Fax: 973-299-7161



11/25/2014

FIABILA USA, INC.
114 IRON MOUNTAIN ROAD
Mine Hill, NJ 07803

Dear Employer,

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 1990, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dated together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 8 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 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 the citation. The running of this contest period is not interrupted by an informal conference. You must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Hoffman", with a long horizontal flourish extending to the right.

Kris Hoffman
Area Director

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Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: 973-263-1003 Fax: 973-299-7161



Citation and Notification of Penalty

To:
FIABLA USA, INC.
114 IRON MOUNTAIN ROAD
Mine Hill, NJ 07803

Inspection Number: 978400
Inspection Date(s): 05/28/2014 - 11/24/2014
Issuance Date: 11/25/2014

Inspection Site:
114 IRON MOUNTAIN ROAD
Mine Hill, NJ 07803

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

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

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

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

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

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

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. 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 \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

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

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

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 11/25/2014. The conference will be held by telephone or at the OSHA office located at 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 978400

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803
Issuance Date: 11/25/2014

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, 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054**

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: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.106(b)(4)(iv)(h): Tanks inside buildings were not equipped with a device or other means to prevent overflow into the building:

a) Tank farm

On 7/15/2014 Employees were exposed to ethyl acetate, a flammable liquid, when the interior flammable storage tank T-102 overflowed during transfer of ethyl acetate. The following individual components of the overflow prevention device were not functional:

- The high level alarm for T-102 was set at 39,000lbs (maximum capacity of the storage tank), and failed to provide adequate warning to prevent an overflow.
- Transfer to storage tank T-102 is conducted through valve #XV102. The valve was kept open with a c-clamp because the valve closes by itself during material transfer. Maintaining the valve open prevented the employees from remotely closing the valve to prevent overflow.
- During transfer to T-102, the outside visual & audible alarm did not warn employee to take action to prevent an overflow.

The ethyl acetate overflowed into the production area (covered process) where employees were manufacturing nail polish using ethyl acetate and butyl acetate, both flammable liquids.

Violation occurred on or about 7/15/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00

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: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.119(c)(1): The employer did not develop a written plan of action regarding the implementation of the employee participation required by 29 CFR 1910.119:

a) Production area

The employer had no written plan of action for employee participation in process safety management. Employees manufactured nail polish using ethyl acetate and butyl acetate, flammable liquids. Processes occurring during the inspection included, but were not limited to, pumping and mixing/agitation of flammable liquids. The quantity of the flammable liquids in the process is 22,000lbs.

Violation occurred on or about 6/4/2014

The employer shall consult with employees on the conduct and development of process hazards analyses and development of the other elements of process safety management.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.119(d)(2)(i): Process safety information pertaining to the technology of the process did not include the elements specified in 29 CFR 1910.119(d)(2)(i)(A) through (E):

a) Production area

The employer did not develop process safety information pertaining to the technology of the processes used by employees in the manufacture of nail polish including:

- (B) Process chemistry,
- (C) Maximum intended inventory of flammables,
- (D) Safe upper and lower limits for parameters like temperature and pressure,
- (E) Consequences of deviations including those affecting the safety and health of employees

Employees manufactured nail polish using ethyl acetate and butyl acetate, both flammable liquids. Processes occurring during the inspection included, but were not limited to, pumping and mixing/agitation of flammable liquids with approximately quantities of 22,000lbs.

Violation occurred on or about 5/28/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00

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: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.119(d)(3)(i): Process safety information pertaining to the equipment in the process did not include the elements specified in 29 CFR 1910.119(d)(3)(i)(A) through (H):

a) Production area

The employer did not have information on the equipment used by employees in the manufacture of nail polish, including, but not limited to,

- (A) materials of construction for pipes, pump, and valves, and relief systems and safety systems designs;
- (B) accurate Piping & Instrumentation Diagrams (P&IDs);
- (D) relief systems and design basis;
- (F) design codes and standards employed;
- (H) safety systems

Employees manufactured nail polish using ethyl acetate and butyl acetate, both flammable liquids. Processes occurring during the inspection included, but were not limited to, pumping and mixing/agitation of flammable liquids with approximately quantities of 22,000lbs.

Violation occurred on or about 5/29/2014.

Information must be available for all equipment used in the manufacture of nail polish including, but not limited to, pumps, valves, mixers, homogenizer.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00

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: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.119(e)(1): The employer did not perform an initial process hazard analysis (hazard evaluation) on processes covered by 29 CFR 1910.119:

a) Production area

The employer did not perform an initial process hazard analysis on the covered process used by employees in the manufacture of nail polish such as, but not limited to, transferring, and mixing of flammable liquids. The quantity of flammable liquids in the process is 22,000lbs.

Violation occurred on or about 5/29/2014.

Each process used in the manufacture of nail polish must receive a Process Hazard Analysis (PHA).

The PHA must be performed by a team with expertise in engineering and process operations. The team must include at least one employee with experience and knowledge specific to the process and one individual knowledgeable in the specific PHA methodology being used.

The PHA must be performed using a methodology such as What-If, Checklist, What-If/Checklist, Hazard and Operability Study, Failure Mode and Effects Analysis, Fault Tree Analysis or equivalent.

The PHA must address the hazards of the process, the identification of any previous incident which had a likely potential for catastrophic consequences in the workplace, engineering and administrative controls applicable to the hazards, consequences of failure of engineering and administrative controls, facility siting, human factors and possible safety and health effects of failure of controls on employees in the workplace.

The team's findings and recommendations must be promptly addressed and the corrective actions documented.

The PHA must be updated and revalidated by a team at least every five years.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 978400
Inspection Date(s): 05/28/2014 - 11/24/2014
Issuance Date: 11/25/2014



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

The PHA and updates/revalidations must be kept for the life of the process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00

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: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.119(f)(1): The employer did not develop and implement written operating procedures that provided clear instructions for safely conducting activities involved in each covered process consistent the safety information and which address the elements listed in 29 CFR 1910.119(f)(1)(i) through (f)(1)(v):

a) Production area

The employer did not develop and implement written operating procedures, including but not limited to, normal start up/shut down procedures, emergency shut down, and temporary operations. Employees manufactured nail polish using ethyl acetate and butyl acetate, both flammable liquids. Processes occurring during the inspection included, but were not limited, pumping and mixing/agitation of flammable liquids. The quantity of the flammable liquids in the process is 22,000lbs.

Violation occurred on or about 5/29/2014.

Written operating procedures must be developed for every process used in the manufacture of nail polish. The procedures must address at least the following:

- 1) Each operating phase (initial startup; normal operations; temporary operations; emergency shutdown; emergency operations; normal shutdown and startup following a turnaround or emergency shutdown),
- 2) Operating limits (consequences of deviation, steps to correct or avoid deviation),
- 3) Safety and health considerations (properties and hazards of the chemicals used in the process, precautions necessary to prevent exposure, control measures if physical contact or airborne exposure occurs, quality control for raw materials and control of hazardous chemical inventory levels, any special or unique hazards),
- 4) Safety systems.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 978400
Inspection Date(s): 05/28/2014 - 11/24/2014
Issuance Date: 11/25/2014



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

The operating procedures must be readily accessible to employees who work in or maintain a process.

The operating procedures must be reviewed as often as necessary to assure they are current and accurate and must be certified annually.

Safe work practices must also be developed on controlling entrance into the facility by contractors and employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00

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: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.119(g)(1)(i): The employer did not train each employee involved in the operating process, in a overview of the process and in the operating procedures as specified in paragraph (f) of 29 CFR 1910.119:

a) Production area

Employees manufactured nail polish using ethyl acetate and butyl acetate, both flammable liquids, without receiving training including, but not limited to the process' safety hazards, emergency shutdown, operating limits, and general requirements of the process safety standard. Processes occurring during the time of the inspection included, but were not limited to, pumping, and mixing/agitation of flammable liquids. The quantity of flammable liquids in the process is 22,000lbs.

Violation occurred on or about 5/28/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.119(h)(2)(i): The employer, when selecting a contractor, did not obtain and evaluate information regarding the contract employer's safety performance and program:

The employer did not evaluate the health and safety programs nor the performance of contractors including, but not limited to the following contractors:

a) Production area

AFA Protective Systems conducted work on the fire alarm system within the covered process area on 7/3/2014.

b) Production area

Forrest Electrical conducted work on electrical installation for the chiller used on the homogenizer on 7/14/2014, 7/15/2014, & 7/16/2015.

c) Production and tank farm areas

Oak Ridge Electric & Control conducted work on the PLC for the process vessels on 8/6/2014.

Employees manufactured nail polish using ethyl acetate and butyl acetate, both flammable liquids. Processes occurring during the inspection included, but were not limited to, storage, pumping and mixing/agitation of flammable liquids. The quantity of the flammable liquids in the process is approximately 100,000lbs.

Violation occurred on or about 5/28/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 01/14/2015
Proposed Penalty: \$4900.00

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: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.119(h)(2)(iv): The employer did not implement safe work practices consistent with paragraph (f)(4) of this section to control the entrance, presence and exit of contract employers and contract employees in the covered process areas:

a) Production Area

The employer failed to verify that employees of contractor from AFA Protective Services signed out on 7/3/2014 when leaving the facility in which flammable liquids are handled.

b) Production Area

The employer failed to verify that employees of contractor from Forrest Electric signed out on 7/8/2014 when leaving the facility in which flammable liquids are handled.

c) Production Area

The employer failed to verify that employees of contractor from Oak Ridge Electric signed out when leaving the facility in which flammable liquids are handled. The contractor conducted service on the receiving alarm on 8/1/2014.

Violation observed on or about 5/28/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.119(j)(2): The employer did not establish or implement written procedures to maintain the on-going integrity of process equipment:

a) Production area

The employer did not establish and implement written mechanical integrity procedures for employees responsible for maintenance of process equipment, including but not limited to pipes, pumps, valves, vessels, and safety systems. Employees manufactured nail polish using ethyl acetate and butyl acetate, both flammable liquids. Processes occurring during the inspection includes, but were not limited to, pumping and mixing/agitation of flammable liquids. The quantity of the flammable liquids in the process is approximately 22,000lbs.

Violation occurred on or about 5/28/2014.

Written maintenance, inspection and testing procedures must be developed for all equipment used in the manufacture of nail polish.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.119(j)(4)(i): The employer did not perform inspection and tests on process equipment to maintain its mechanical integrity:

a) Production Area
The employer failed to conduct routine process piping inspections.

b) Production Area
The employer failed to conduct testing of critical safety parameters on the gel homogenizer for temperature & pressure.

Employees manufactured nail polish using ethyl acetate and butyl acetate, both flammable liquids. Processes occurring during the inspection included, but were not limited to, pumping, and mixing/agitation of flammable liquids. The quantity of the flammable liquids in the process is approximately 22,000lbs.

Violation occurred on or about 5/28/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00

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: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.119(j)(4)(ii): Inspection and testing procedures on process equipment to maintain its mechanical integrity, did not follow recognized and generally accepted good engineering practices:

a) Production area

The employer failed to inspect the flame arrestor as recommended by the manufacturer. The manufacturer recommends quarterly inspection of gaskets, seats, diaphragm, pallets stems & stem guides, checking surfaces for nicks, cuts, cracks & to make certain the pallets move freely.

Employees manufactured nail polish using ethyl acetate and butyl acetate, both flammable liquids. Processes occurring during the inspection includes, but were not limited to, pumping mixing/agitation of flammable liquids. The quantity of the flammable liquids in the process is 22,000lbs.

Violation occurred on or about 5/28/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.119(l)(1): The employer did not establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process:

a) Production area

Management of change procedures were not established or implemented when the employer failed to evaluate impact to the covered process when a new homogenizer was added in 2012.

b) Production area

Management of change procedures were not established or implemented when the employer failed to evaluate impact to the covered process when stainless steel pipes were used instead of black iron piping in 2012.

c) Production area

Management of change procedures were not established or implemented when the employer failed to evaluate impact to the covered process when four pipes were added to Vessel 108 within the last 5 years.

Employees manufactured nail polish using ethyl acetate and butyl acetate, both flammable liquids. Processes occurring during the inspection included, but were not limited to, pumping and mixing/agitation of flammable liquids. The quantity of the flammable liquids in the process is approximately 22,000lbs.

Violation occurred on or about 5/28/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00

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: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.119(m)(3): The incident investigation team did not consist of at least one person knowledgeable in the process involved, including a contract employee if the incident involved work of the contractor, and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident:

a) Production area

On 7/15/2014 ethyl acetate was being delivered by a tanker truck contractor. During this delivery the ethyl acetate overflowed the 39,000lb storage tank. The overflowed material was released into the covered process area. The employer did not include a representative from the contractor on the investigation team.

Violation occurred on or about 7/15/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.119(n): The employer did not establish an emergency plan for the entire plant in accordance with the provisions of 29 CFR 1910.38:

a) Production Area

The employer's emergency plan did not describe procedures for reporting an emergency, procedures for shutdown of critical operations before employees evacuate, and procedures for handling small releases.

Employees manufactured nail polish using ethyl acetate and butyl acetate, both flammable liquids. Processes occurring during the inspection included, but were not limited to, pumping and mixing/agitation of flammable liquids. The quantity of the flammable liquids in the process is approximately 22,000lbs.

Violation occurred on or about 5/28/14.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.120(q)(8)(i): Employees who were trained in accordance with 29 CFR 1910.120(q)(6) did not receive annual refresher training of sufficient content and duration to maintain their competencies or did not demonstrate competency in those areas at least yearly:

(a) Production Area

Employees assigned to identify spills and clean up spills of flammable liquids were not provided annual refresher training.

Employees manufactured nail polish using ethyl acetate and butyl acetate, both flammable liquids. Processes occurring during the inspection included, but were not limited to, pumping and mixing/agitation of flammable liquids. The quantity of the flammable liquids in the process is approximately 22,000lbs.

Violation occurred on or about 5/28/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.146(c)(2): The employer did not inform exposed employees of the danger posed by the permit spaces 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) Production and tank farm areas

The employer did not post signs or effectively inform employees of the hazards related to the permit spaces found at the facility. Employees worked with flammable liquids that were stored and processed in permit-required confined spaces, including but not limited to, aboveground storage tanks and process vessels.

Violation occurred on or about 5/28/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$3500.00



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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 18 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) Establishment

Employees conducted service and maintenance to process equipment without an establishing and implementing an energy control program. Services included installation of bypasses for homogenizer for water and refrigerant and maintenance on pump #1 for toluene tank.

Violation occurred on or about 5/28/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

(a) Establishment

Employees conducted service and maintenance to process equipment without the availability of equipment specific procedures. Services included installation of bypasses for homogenizer for water and refrigerant and maintenance on pump #1 for toluene tank.

Violation occurred on or about 5/28/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 01/14/2015



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.147(c)(5)(i): Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware were not provided by the employer for isolating, securing or blocking of machines or equipment from energy sources:

a) Establishment

Employees conducted service and maintenance to process equipment without using lockout devices and locks. Services included installation of bypasses for homogenizer for water and refrigerant, maintenance on pump #1 for toluene tank, and maintenance on several valves on the covered process.

Violation occurred on or about 5/28/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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 20 a Type of Violation: **Serious**

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

(a) Establishment

Employees conducted service and maintenance to process equipment without authorized employee training. Services included installation of bypasses for homogenizer for water and refrigerant, maintenance on pump #1 for toluene tank, and maintenance on several valves on the covered process.

Violation occurred on or about 5/28/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/14/2015
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803

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

29 CFR 1910.147(c)(7)(i)(B): Each affected employee shall be instructed in the purpose and use of the energy control procedure.

a) Establishment

Affected production employees were not trained in lockout. Authorized (mechanic) employees conducted service and maintenance to process equipment. Services included installation of bypasses for homogenizer for water and refrigerant, maintenance on pump #1 for toluene tank, and maintenance on several valves on the covered process.

Violation occurred on or about 5/28/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/14/2015

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

Kris Hoffman
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: 973-263-1003 Fax: 973-299-7161



INVOICE / DEBT COLLECTION NOTICE

Company Name: FIABILA USA, INC.
Inspection Site: 114 IRON MOUNTAIN ROAD, Mine Hill, NJ 07803
Issuance Date: 11/25/2014

Summary of Penalties for Inspection Number	978400
Citation 1, Serious	\$96600.00
TOTAL PROPOSED PENALTIES	\$96600.00

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 \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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.

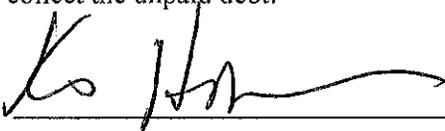
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Kris Hoffman

Area Director

11/25/2014
Date