

U.S. Department of Labor

Occupational Safety and Health Administration
690 S. Loop 336 West
Suite 400
Conroe, TX 77304
Phone: 936-760-3800 Fax: 936-760-3327



AMENDED
Citation and Notification of Penalty

To:
Al Star Recycling, LLC
and its successors
10608 Aldine Westfield
Houston, TX 77093

Inspection Number: 1073468
Inspection Date(s): 06/25/2015 - 06/25/2015
Issuance Date: 09/14/2015

Inspection Site:
10608 Aldine Westfield
Houston, TX 77093

*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 \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/14/2015. The conference will be held by telephone or at the OSHA office located at 690 S. Loop 336 West, Suite 400, Conroe, TX 77304 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1073468

Company Name: Al Star Recycling, LLC

Inspection Site: 10608 Aldine Westfield, Houston, TX 77093

Issuance Date: 09/14/2015

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, 690 S. Loop 336 West, Suite 400, Conroe, TX 77304**

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: Al Star Recycling, LLC
Inspection Site: 10608 Aldine Westfield, Houston, TX 77093

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

OSH ACT of 1970 Section (5)(a)(1): The employer does not furnish to each of his employees employment and a place of employment which are free from the recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees performing recycling tasks during elevated heat conditions were exposed to excessive heat:

This violation occurred on or about June 24, 2015, at the facility where an employee was exposed to excessive heat conditions when performing recycling tasks such as, but not limited to, placing aluminum cans into a self-dumping hopper in an outdoor environment.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation describing the steps that it is taking to ensure that employees are protected from excessive heat conditions.

Among feasible methods to correct the identified hazard, one method would be to establish a heat stress management program which incorporates guidelines from the American Conference of Governmental Industrial Hygienist (ACGIH) threshold limit values and biological exposure indices; the National Institute of Occupational Safety & Health (NIOSH) document on "Working in Hot Environments;" and OSHA's Safety and Health Topics on Occupational Heat Exposure. Such a program may include, but is not limited to, the following:

1. Acclimatizing employees beginning work in hot environment or those returning from an absence period of three or more days.
2. Implementing a work/rest regimen that includes a provision to allow employees to become acclimatized to extreme heat conditions.
3. Providing a training program for all employees, including temporary employees, day laborers, and part-time employees regarding the health effects associated with heat stress and recognizing symptoms and methods of prevention for heat-induced illnesses.
4. Providing specific procedures to be followed for emergency situations and procedures for first aid to be administered immediately to employees displaying symptoms of injury or illness.
5. Using dermal patches for monitoring core temperature to better identify when workers need to be removed from the work area.

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



Citation and Notification of Penalty

Company Name: Al Star Recycling, LLC
Inspection Site: 10608 Aldine Westfield, Houston, TX 77093

- 6. Providing cool water and encouraging employees to drink 5-7 ounces of water every 10 to 15 minutes.
- 7. Providing shaded areas where heat-affected employees may take their breaks and/or recover.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 09/24/2015
Proposed Penalty: \$7000.00

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: Al Star Recycling, LLC
Inspection Site: 10608 Aldine Westfield, Houston, TX 77093

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

29 CFR 1910.178(l)(2)(ii): The employer did not ensure that each operator had successfully completed the training consisting of a combination of formal instruction (e.g., lecture, discussion, interactive computer learning, video tape, written material), practical training (demonstrations performed by the trainer and practical exercises performed by the trainee), and evaluation of the operator's performance in the workplace.

The employer does not ensure that each operator had successfully completed the training consisting of a combination of formal instruction, practical training, and evaluation of the operator's performance in the workplace. This violation was observed on or about June 25, 2015, at the facility where an employee was exposed to crushed-by hazards when operating a Hyster H60FT forklift to move recycled metal without forklift training.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that each operator successfully completes the training required by paragraph (l) prior to permitting an employee to operate a forklift.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/01/2015
Proposed Penalty: \$1600.00

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: Al Star Recycling, LLC
Inspection Site: 10608 Aldine Westfield, Houston, TX 77093

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 3 a Type of Violation: Serious

29 CFR 1910.215(a)(4): Grinding machinery was not used with work rest(s) to support offhand grinding work:

The employer does not ensure that grinding machinery is used with work rests. This violation was observed on or about June 25, 2015, on the front side of the business where employees were exposed to struck-by and caught-in hazards when using a Dayton 7 inch pedestal grinder to grind brass for assessment without a work rest.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that grinding machinery is used with work rests.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 09/24/2015
Proposed Penalty: \$2000.00

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: Al Star Recycling, LLC
Inspection Site: 10608 Aldine Westfield, Houston, TX 77093

Citation 1 Item 3 b Type of Violation: Serious

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch:

The employer does not ensure that the distance between the abrasive wheel periphery and the adjustable tongue guards do not exceed one-fourth inch. This violation was observed on or about June 25, 2015, on the front side of the business where employees were exposed to struck-by and caught-in hazards when using a Dayton 7 inch pedestal grinder to grind brass for assessment without a tongue guard.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the distance between the abrasive wheel periphery and the adjustable tongue guards do not exceed one-fourth inch.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/24/2015

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: Al Star Recycling, LLC
Inspection Site: 10608 Aldine Westfield, Houston, TX 77093

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

Citation 1 Item 4 a Type of Violation: Serious

29 CFR 1910.1200(e)(1): Employer had not developed or implemented a written hazard communication program included the requirements outlined in 29 CFR 1910.1200(e)(1)(i) and (e)(1)(ii):

The employer does not ensure that a written hazard communication program is developed. This violation was observed on or about June 25, 2015, at the facility where employees were exposed to fire and contact hazards when using propane to power a forklift without developing a written program.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that a written hazard communication program is developed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/01/2015
Proposed Penalty:	\$1600.00

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: Al Star Recycling, LLC
Inspection Site: 10608 Aldine Westfield, Houston, TX 77093

Citation 1 Item 4 b Type of Violation: Serious

29 CFR 1910.1200(h)(2)(ii): The employer did not provide information to the employees on operations in their work area where hazardous chemicals were present:

The employer does not ensure that employees are provided with information for operations in their work area where hazardous chemicals are present. This violation was observed on or about June 25, 2015, at the facility where employees were exposed to fire and contact hazards when using propane to power a forklift without providing hazard communication training.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees are provided with information for operations in their work area where hazardous chemicals are present.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/01/2015

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: Al Star Recycling, LLC
Inspection Site: 10608 Aldine Westfield, Houston, TX 77093

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

29 CFR 1910.1200(g)(1): Employers did not have a safety data sheet in the workplace for each hazardous chemical which they use:

The employer does not ensure that safety data sheets (SDSs) for each hazardous chemical used are maintained. This violation was observed on or about June 25, 2015, at the facility where employees were exposed to fire and contact hazards when using propane to power a forklift without maintaining the SDS.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that safety data sheets for each hazardous chemical used are maintained.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/01/2015
Proposed Penalty: \$1600.00

Joann J. Figueroa
Area Director

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