

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:
Austin Powder Company
and its successors
P.O. Box 317
Mc Arthur, OH 45651

Inspection Number: 782861
Inspection Date(s): 12/12/2012 - 01/16/2013
Issuance Date: 06/06/2013

Inspection Site:
430 Powder Plant Road
Mc Arthur, OH 45651

7012 2210 0001 2128 4153

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.

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 06/06/2013. The conference will be held by telephone or 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: 782861

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651
Issuance Date: 06/06/2013

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

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

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Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.22(a)(2): The floor of every workroom shall be maintained in a clean and, so far as possible, a dry condition. Where wet processes are used, drainage shall be maintained and false floors, platforms, mats, or other dry standing places should be provided where practicable:

a. In the Mix Plant, hydraulic leak on the West side of the building, thereby exposing employees to a slip/fall hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/11/2013
\$4400.00

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

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Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.24(i): "Vertical clearance." Vertical clearance above any stair tread to an overhead obstruction shall be at least seven feet measured from the leading edge of the tread:

- a. Emulsion Building: A pipe was installed four feet over the crossover stairway, exposing employees were exposed to a struck-by hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/11/2013
\$4400.00

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: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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 1910.110(d)(3)(i): The filling pipe inlet terminal shall not be located inside a building. For containers with a water capacity of 125 gallons or more, such terminals shall be located not less than ten feet from any building (see paragraph (b)(6)(ii) of this section), and preferably not less than five feet from any driveway, and shall be located in a protective housing built for the purpose:

- a. At the front of the main garage where semi-trucks were parked, there were two large 500 water gallon liquid petroleum tanks which were located within five feet of the maintenance building and not in a protective enclosure.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$7000.00

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

Inspection Number: 782861
Inspection Date(s): 12/12/2012 - 01/16/2013
Issuance Date: 06/06/2013



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.110(d)(7)(iv)(d): Container is located so as not to be subject to vehicular damage, or is adequately protected against such damage:

a. At the front of the main garage, there were two large 500 water gallon liquid petroleum tanks located where they could be struck by vehicular traffic. The employer did not provide suitable protection around the tanks to protect employees from a fire/explosion hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/11/2013

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: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.132(a): Application. Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact:

- a. For the Mix Plant where employees connected to a fall protection system when working on the top of the ammonia nitrate tank, the employer did not perform a hazard assessment to determine if the fall protection system was in proper working order, thereby exposing employees to a fall hazard.
- b. Maintenance Department work platform above locker rooms: employees on the work platform were not protected against falling to the lower level more than eight feet below.

ANSI/ASSE Z359.1 Safety requirements for Personal Fall Arrest Systems, Subsystems and Components indicates fall protection must be inspected by the user before each use and additionally by a competent person other than the user at intervals of no more than one year.

ANSI/ASSE Z359.17.1 requires prior to selecting a Personal Fall Arrest System, a competent person shall make an assessment of the workplace conditions where the equipment is required and understand the intended use of such equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/11/2013
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.147(c)(4)(i): Procedures shall be developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section. Note: Exception: The employer need not document the required procedure for a particular machine or equipment, when all of the following elements exist: (1) The machine or equipment has no potential for stored or residual energy or re-accumulation of stored energy after shut down which could endanger employees; (2) the machine or equipment has a single energy source which can be readily identified and isolated; (3) the isolation and locking out of that energy source will completely de-energize and deactivate the machine or equipment; (4) the machine or equipment is isolated from that energy source and locked out during servicing or maintenance; (5) a single lockout device will achieve a locker-out condition; (6) the lockout device is under the exclusive control of the authorized employee performing the servicing or maintenance; (7) the servicing or maintenance does not create hazards for other employees; and (8) the employer, in utilizing this exception, has had no accidents involving the unexpected activation or re-energization of the machine or equipment during servicing or maintenance:

a. In the facility, employees, who were affected by and authorized to perform lock-out/tag-out, were not provided clear procedures documented and utilized for control of potentially hazardous energy when employees working around or working on equipment such as, but not limited to, the emulsion packer, detonator rewinder, and mixers which could restart, thereby exposing the employees to a struck-by hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/11/2013
Proposed Penalty: \$7000.00



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.151(c): Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use:

a. In the boiler room of the weigh building where potassium hydroxide was used as a corrosive from five gallon containers for boiler water treatment, the employer did not provide an emergency eyewash, thereby exposing employees to an eye contact hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/11/2013
\$5500.00



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.157(g)(3): The employer shall provide employees who have been designated to use firefighting equipment as part of an emergency action plan with training in the use of the appropriate equipment:

- a. At the plant employees in non-explosive areas, who would attempt to extinguish an incipient stage fire, were not provided training in the use of the portable fire extinguishers, thereby exposing them to a fire hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/11/2013
\$5500.00



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.176(b): Secure storage. Storage of material shall not create a hazard. Bags, containers, bundles, etc., stored in tiers shall be stacked, blocked, interlocked and limited in height so that they are stable and secure against sliding or collapse:

- a. In the Mix Plant warehouse, 15 Austrite shopper bags were not securely stacked, causing the pallets to slide, thereby exposing employees to a struck-by hazard.
- b. In the emulsion one warehouse, boxes were stacked until needed for the production line. There were unsecured pallets sitting on the stacked boxes, which would fall from the pile, thereby exposing employees to a struck-by hazard.
- c. In the box warehouse where boxes were assembled, stapled and stacked for the Production Department, the boxes stacked on the pallets were not secured from falling and were not evenly stacked, in that there were materials falling off the pallets, thereby exposing employees to a struck-by hazard.

Date By Which Violation Must be Abated:
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07/11/2013
\$4400.00

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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.178(l)(4)(ii): Refresher training in relevant topics shall be provided to the operator when:

29 CFR 1910.178(l)(4)(ii)(B): The operator has been involved in an accident or near-miss incident:

a. In the doorway between the North and South mix warehouse, the beam support for the building had been struck by a powered industrial truck and severely damaged. The employee involved in the accident had not received refresher training.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/11/2013
\$4400.00

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: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.212(a)(1): Types of guarding. One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are-barrier guards, two-hand tripping devices, electronic safety devices, etc.:

- a. In the overspin building, employees were exposed to being struck-by the rotating parts between each "overspin machine" unit that were not guarded.
- b. In the emulsion building, employees were exposed to a caught-in hazard where the front and back of the cartridge packer/chub packer machine was open and not guarded.
- c. In the emulsion building, there were openings along the back and front of the transfer conveyor presented unguarded rotating parts that ran along the aisle where employees worked. Employees were exposed to caught-in hazards.
- d. In booster pour building 1, there are six kettles in this building where employees were exposed to a struck-by hazard from unguarded rotating paddles while dipping a container into the kettles.
- e. In booster pour building 2, there are six kettles in this building where employees were exposed to a struck-by hazard from unguarded rotating paddles while dipping a container into the kettles.
- f. In booster pour building 3, there are six kettles in this building where employees were exposed to a struck-by hazard from unguarded rotating paddles while dipping a container into the kettles.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$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: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.213(i)(1): All portions of the saw blade shall be enclosed or guarded, except for the working portion of the blade between the bottom of the guide rolls and the table. Bandsaw wheels shall be fully encased. The outside periphery of the enclosure shall be solid. The front and back of the band wheels shall be either enclosed by solid material or by wire mesh or perforated metal. Such mesh or perforated metal shall be not less than 0.037 inch (U.S. Gage No. 20), and the openings shall be not greater than three-eighths inch. Solid material used for this purpose shall be of an equivalent strength and firmness. The guard for the portion of the blade between the sliding guide and the upper-saw-wheel guard shall protect the saw blade at the front and outer side. This portion of the guard shall be self-adjusting to raise and lower with the guide. The upper-wheel guard shall be made to conform to the travel of the saw on the wheel:

- a. In the maintenance department, the blade guard on the Wilton band saw was maladjusted and the unused portion of the blade was not guarded, thereby exposing employees to amputation hazards from the revolving blade.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5500.00



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.219(c)(2)(i): All exposed parts of horizontal shafting seven (7) feet or less from floor or working platform, excepting runways used exclusively for oiling, or running adjustments, shall be protected by a stationary casing enclosing shafting completely or by a trough enclosing sides and top or sides and bottom of shafting as location requires:

- a. Extruder section, at the start of the take up reel there was an unguarded horizontal shaft which was not completely enclosed, thereby exposing employees to a caught-in hazard.
- b. Extruder operation, at the end of the take up reel, there was an unguarded horizontal shaft which was not completely enclosed, thereby exposing employees to a caught-in hazard.
- c. Sizer room, there was an unguarded horizontal shaft that was not completely enclosed thereby exposing employees to a caught-in hazard.
- d. Emulsion building, the horizontal drive shaft for the mixer was not completely enclosed, thereby exposing employees to a caught-in hazard.
- e. Pre mix side, the horizontal drive shaft to the hydraulic water pump was not completely enclosed, thereby exposing employees to a caught in hazard.
- f. Booster Building production 1 scrubber room, there was a horizontal shaft which was not completely enclosed, thereby exposing employees to a caught-in hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/11/2013
\$5500.00



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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 1910.219(d)(1): Guarding. Pulleys, any parts of which are seven (7) feet or less from the floor or working platform, shall be guarded in accordance with the standards specified in paragraphs (m) and (o) of this section. Pulleys serving as balance wheels (e.g., punch presses) on which the point of contact between belt and pulley is more than six feet, six inches (6 ft. 6 in.) from the floor or platform may be guarded with a disk covering the spokes:

- a. Extruder operation, at the end of the take up reel where both belt runs were less than 42 inches from the floor, the belt/pulley was not completely enclosed, thereby exposing employees to a caught-in hazard.
- b. Sizer room, the end of the take up reel had a belt/pulley assembly which was not completely enclosed, where both belt runs were less than 42 inches from the floor, thereby exposing employees to a caught-in hazard.
- c. Booster production building 2 scrubber room, there was an unguarded belt/pulley on the Leeson motor for the power washer where both runs were less than 42 inches from the floor, thereby exposing employees to a caught-in hazard.
- d. Weigh building scrubber room, there was an unguarded belt/pulley assembly where both runs were less than 42 inches from the floor, which was not completely enclosed on the Leeson power wash, thereby exposing employees to a caught-in hazard.

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: 782861
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Issuance Date: 06/06/2013



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

e. Winder building, there were five (5) Leeson machines with unguarded belts/pulley assemblies where both belt runs were less than 42 inches from the floor and which were not completely enclosed, thereby exposing employees to a caught-in hazard.

Date By Which Violation Must be Abated:
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\$5500.00

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: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.219(e)(1)(i): Where both runs of horizontal belts are seven (7) feet or less from the floor level, the guard shall extend to at least fifteen (15) inches above the belt or to a standard height, except that where both runs of a horizontal belt are 42 inches or less from the floor, the belt shall be fully enclosed in accordance with paragraphs (m) and (o) of this section:

- a. In the extruder operation at the end of the take up reel where both belt runs were less than 42 inches from the floor the belt/pulley was not completely enclosed, thereby exposing employees to a caught-in hazard.
- b. In the sizer room the end of the take up reel had a belt/pulley assembly which was not completely enclosed, where both belt runs were less than 42 inches from the floor, thereby exposing employees to a caught-in hazard.
- c. In the booster production building 2 scrubber room, there was an unguarded belt/pulley on the Leeson motor for the power washer where both runs were less than 42 inches from the floor thereby exposing employees to a caught-in hazard.
- d. In the weigh building scrubber room, there was an unguarded belt/pulley assembly where both runs were less than 42 inches from the floor which was not completely enclosed on the Leeson power wash, thereby exposing employees to a caught-in hazard.
- e. In the winder building, there were five (5) Leeson machines with unguarded belts/pulleys assemblies where both belt runs were less than 42 inches from the floor and which were not completely enclosed, thereby exposing employees to a caught-in hazard.

Date By Which Violation Must be Abated:

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Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.219(i)(2): Couplings. Shaft couplings shall be so constructed as to present no hazard from bolts, nuts, setscrews, or revolving surfaces. Bolts, nuts, and setscrews will, however, be permitted where they are covered with safety sleeves or where they are used parallel with the shafting and are countersunk or else do not extend beyond the flange of the coupling.

- a. Mix plant, the guard on the back of the machine over the coupler to the Heet packer was not secured over the coupler to protect employees from protruding screws on the coupler and to prevent accidental contact, employees were exposed to a caught-in hazard.
- b. Mix plant, the guard over the coupler to the Bowie machine was not secured and had properly installed over the coupler to prevent accidental contact to the coupler, employees were exposed to a caught-in hazard.

Date By Which Violation Must be Abated:
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07/11/2013
\$4400.00



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.219(m)(2)(i): Expanded metal, sheet or perforated metal, and wire mesh shall be securely fastened to frame:

- a. in the mix plant, the guard on the back of the Heet Packer over the coupler was not secured to prevent accidental displacement, exposing employees to a caught-in hazard.
- b. In the mix plant, the guard over the coupler to the Bowie machine was not secured to the machine and was becoming displaced from movement of the coupler, thereby exposing employees to a caught-in hazard.
- c. At the rear of the emulsion maintenance dike area, the guard over the coupler on the transfer pump was not secured to the machine to prevent accidental displacement, exposing employees to a caught-in hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/11/2013
\$4400.00



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.242(b): Compressed air used for cleaning. Compressed air shall not be used for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment:

- a. In the East building, first bin, the compressed air "Number 29" was used to clean off the machines and was operated at 80 p.s.i., thereby exposing employees to an injury.
- b. In the East building, first bin, the compressed air nozzle used to clean machines on the backside of "Number 25" was operated at 78 p.s.i., thereby exposing employees to an injury.
- c. At the extruder operation, the compressed air used to clean machines on the extruder machine was operated at 80 p.s.i., thereby exposing employees to an injury.
- d. In the extruder operation, the compressed air used for cleaning the start-up/take up reel was operated at 65 p.s.i., thereby exposing employees to an injury.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5500.00



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.303(f)(1): Motors and appliances. Each disconnecting means required by this subpart for motors and appliances shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident:

- a. At the rear of the emulsion building beside the dikes for bulk tanks, the disconnects to the electrical equipment in this area were not marked with the equipment it controlled, thereby exposing employees to a contact hazard.
- b. In the booster pour building 3 scrubber room, the disconnect in the room was not marked as to the equipment it controlled, thereby exposing employees to a contact hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/26/2013
\$5500.00

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

Inspection Number: 782861
Inspection Date(s): 12/12/2012 - 01/16/2013
Issuance Date: 06/06/2013



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.304(f)(1)(iv): Overcurrent devices shall be readily accessible to each employee or authorized building management personnel. These overcurrent devices may not be located where they will be exposed to physical damage or in the vicinity of easily ignitable material:

- a. On the South side of the mix plant, there were several 55 gallon drums of emulsifier stored in front of the energized electrical panel, thereby preventing easy access to operate the electrical equipment.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/16/2013
\$3300.00

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: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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 19 a Type of Violation: **Serious**

29 CFR 1910.305(d)(2): Panelboard enclosures. Panelboards shall be mounted in cabinets, cutout boxes, or enclosures designed for the purpose and shall be dead front. However, panelboards other than the dead front externally-operable type are permitted where accessible only to qualified persons:

- a. In the SPA electrical room, the front of the energized electrical panel had missing circuit breakers, thereby exposing employees to an electrocution hazard.
- b. In the maintenance department, the energized electrical panel box beside the doorway to the kitchen had a missing circuit breaker, thereby exposing employees to an electrocution hazard.
- c. At the P-10 dryer (outside light panel box), there was a two inch unused opening where employees could contact energized electrical parts, thereby exposing employees to an electrocution hazard.
- d. In the mix plant warehouse, there was an energized electrical panel used by employees to control lighting. The electrical panel had missing circuit breakers, thereby exposing employees to an electrocution hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/11/2013
Proposed Penalty: \$7000.00



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.303(g)(2)(i): Except as elsewhere required or permitted by this standard, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the following means:

- a. In the SPA electrical room, the front of the energized electrical panel had missing circuit breakers, thereby exposing employees to an electrocution hazard.
- b. In the maintenance department, the energized electrical panel box beside the doorway to the kitchen had a missing circuit breaker, thereby exposing employees to an electrocution hazard.
- c. At the P-10 dryer (outside light panel box), there was a two inch unused opening where employees could contact energized electrical parts, thereby exposing employees to an electrocution hazard.
- d. In the mix plant warehouse, there was an energized electrical panel used by employees to control lighting. The electrical panel had missing circuit breakers, thereby exposing employees to an electrocution hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/11/2013



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.333(a): "General." Safety-related work practices shall be employed to prevent electric shock or other injuries resulting from either direct or indirect electrical contacts, when work is performed near or on equipment or circuits which are or may be energized. The specific safety-related work practices shall be consistent with the nature and extent of the associated electrical hazards:

a. The employer failed to employ safety related work practices consistent with the nature, extent of shock and arc-flash blast hazards encountered by employees, who performed troubleshooting and voltage testing on or near energized parts up to 480 VAC. A flash hazard analysis was not conducted to determine the nature and extent of arc/fault hazards that would require the use of arc-rated personal protective equipment.

ABATEMENT NOTE: One method of abatement, among others, would include conducting a flash hazard analysis in compliance with NFPA 70E Standard for Electrical Safety in the Workplace (2004 Edition), Article 130.3 (or its equivalent), to determine the Flash Protection Boundary and the use of electrical protective equipment necessary for the specific related hazards of each task.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/11/2013
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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 21 a Type of Violation: **Serious**

29 CFR 1910.334(a)(2)(i): Portable cord and plug connected equipment and flexible cord sets (extension cords) shall be visually inspected before use on any shift for external defects (such as loose parts, deformed and missing pins, or damage to outer jacket or insulation) and for evidence of possible internal damage (such as pinched or crushed outer jacket). Cord and plug connected equipment and flexible cord sets (extension cords) which remain connected once they are put in place and are not exposed to damage need not be visually inspected until they are relocated:

a. In the bulk emulsion building, the power cord to the A.O. Smith portable industrial fan was not inspected for defective wiring prior to use, thereby exposing employees a shock/electrocution hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5500.00



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

Citation 1 Item 21 b Type of Violation: **Serious**

29 CFR 1910.304(g)(5): Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent, continuous, and effective:

- a. In the bulk emulsion building where an A.O. Smith fan was used for cooling purposes, the ground pin was missing, thereby exposing employees to a contact hazard.

Date By Which Violation Must be Abated:

Corrected During Inspection



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

Citation 1 Item 22 Type of Violation: **Serious**

29 CFR 1910.335(a)(1)(i): Employees working in areas where there are potential electrical hazards shall be provided with, and shall use, electrical protective equipment that is appropriate for the specific parts of the body to be protected and for the work to be performed. Note: Personal protective equipment requirements are contained in subpart I of this part:

a. The employer did not ensure the use of electrical protective equipment necessary to protect employees from electrical shock, arc flash or arc blast, for employees who routinely performed work, such as testing, troubleshooting, voltage measuring, and other tasks, on or near energized parts up to 480 VAC or higher.

ABATEMENT NOTE: One method of abatement among others, would include conducting a Flash Hazard Analysis in compliance with NFPA 70 E Standard for Electrical Safety in the Workplace (2004) Edition Article 130.3 (or its equivalent), to determine the use of electrical protective equipment necessary for the specific related hazards of each task and implementing the use of personal protective equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/11/2013
Proposed Penalty:	\$7000.00

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

Inspection Number: 782861
Inspection Date(s): 12/12/2012 - 01/16/2013
Issuance Date: 06/06/2013



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.147(c)(5)(ii)(D): Lock-out devices and tag-out devices shall indicate the identity of the employee applying the device(s):

- a. In the East building, the lock-out device attached to machine 26 was not identified as to who applied the lock to the machine.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

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: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings shall be effectively closed:

- a. In the SPA electrical room, there were two unused openings in the top of the energized 240 volt electrical panel, thereby exposing employees to a contact hazard.
- b. On the East wall of the maintenance shop, the energized 240 volt three phase disconnect had an unused opening in the bottom of the disconnect, thereby exposing employees to a contact hazard.
- c. In the maintenance shop where employees repaired equipment and manufactured guards, the light switch beside the door to the propane tanks had a switch missing, leaving an unused opening in the energized light switch, thereby exposing the employees to a contact hazard.
- d. In the emulsion one warehouse, there was a 1 1/2 inch unused opening in the bottom of the 277/480 VAC energized electrical panel, thereby exposing employees to a contact hazard.
- e. In the truck garage where maintenance was performed on over the road equipment, on the North side door opener number 2, the 240 volt/three phase energized electrical disconnect had an unused opening in the bottom of the disconnect, thereby exposing employees to a contact hazard.
- f. In the truck garage where maintenance was performed on over the road equipment, on the South side door opener number 2, there was an unused opening in the top of the light switch (240 volt/three phase), thereby exposing employees to a contact hazard.
- g. In the emulsion box warehouse where storage was kept until needed, there was an unused opening on the side of the Atlas Copco 7 1/2 HP air compressor, thereby exposing employees to a contact hazard.

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: 782861
Inspection Date(s): 12/12/2012 - 01/16/2013
Issuance Date: 06/06/2013



Citation and Notification of Penalty

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651

h. In the emulsion box warehouse, there was an unused opening on the bottom of the energized disconnect to the SWF box machine, thereby exposing employees to a contact hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/11/2013
\$0.00

A handwritten signature in black ink, appearing to read "Deborah J. Zubaty", written over a horizontal line.

Deborah J. Zubaty
Area Director

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

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



INVOICE / DEBT COLLECTION NOTICE

Company Name: Austin Powder Company
Inspection Site: 430 Powder Plant Road, Mc Arthur, OH 45651
Issuance Date: 06/06/2013

Summary of Penalties for Inspection Number	782861
Citation 1, Serious	\$122700.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$122700.00

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