

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



Citation and Notification of Penalty

To:

BOOMERANG TUBE, LLC
422 HWY 90
Liberty, TX 77575

Inspection Number: 983919

Inspection Date(s): 07/01/2014 - 11/13/2014

Issuance Date: 12/30/2014

Inspection Site:

1100 FM 3361
Liberty, TX 77575

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 12/30/2014. 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: 983919

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575
Issuance Date: 12/30/2014

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, 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: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer does not furnish to each of his employees employment and a place of employment which are free from the recognized hazards of being struck-by which are causing or likely to cause death or serious physical harm to employees:

a. This violation occurred on or about July 1, 2014, and at times prior thereto, at the slitter main shop where employees were exposed to struck-by hazards while operating an underhung crane that was without function identification markings on the pendant control.

b. This violation occurred on or about July 1, 2014, and at times prior thereto, at mill 2 near the flying cut off area where employees were exposed to struck-by hazards while operating an overhead crane that was without function identification markings on the remote control transmitter.

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 not exposed to struck-by hazards.

Among other methods, one feasible and acceptable abatement method to correct this hazard is to follow the requirements found in the American Society of Mechanical Engineers standard, ASME B30.11-2010 Monorails and Underhung Cranes Section 11-1.1.6 This standard requires that each control actuator shall be legibly marked to indicate the function and direction of movement.

Among other methods, one feasible and acceptable abatement method to correct this hazard is to follow the requirements of the American Society of Mechanical Engineers standard ASME B30.2-2005 Overhead and Gantry Cranes (Top Running Bridge, Single or Multiple Girder, Top Running Trolley Hoist) Fig. 9, GENERAL NOTE: "Marking on the crane, visible from the floor, shall indicate the direction on bridge and trolley travel corresponding to the W, X Y, and Z designations on the transmitter. The letters used are only intended for the purpose of illustration."

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: 983919
Inspection Date(s): 07/01/2014 - 11/13/2014
Issuance Date: 12/30/2014



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/20/2015
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: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer does not furnish to each of his employees employment and a place of employment which are free from the recognized hazards of being crushed-by loads suspended using a lifting eye, exceeding the manufacturer's recommendations which are causing or likely to cause death or serious physical harm to employees:

This violation occurred on or about July 1, 2014, and at times prior thereto, at the Mill 2 near the flying cut off area where employees were exposed to being crushed-by a welding unit and other welding equipment that were being lifted together using the lifting eye of the welding unit that was designed to lift the unit only.

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 welding unit lifting eye is only used to lift the welding unit.

Among other methods, one feasible and acceptable abatement method to correct this hazard is to follow Millers Owners Manual Big Blue 402D, 502D, 602D page 3 which states: FALLING UNIT can cause injury Use lifting eye to lift unit only, NOT running gear, gas cylinders, trailer, or any other accessories.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/20/2015
\$7000.00



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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

29 CFR 1910.22(a)(2): Floor(s) of workroom(s) were not maintained in a clean and, so far as possible, a dry condition:

The employer does not keep the floor of every workroom maintained in a clean and so far as possible, dry condition.

- a. This hazard occurred or about July 2, 2014, and at times prior thereto at the Mill 1 threading area where employees were exposed to a slip hazard when working at their work station with the floor covered in coolant and oils without having kept the floor maintained and a clean and dry condition.
- b. This hazard occurred or about July 2, 2014, and at times prior thereto at the Mill 2 cooling area where employees were exposed to a slip hazard when walking down the aisle way with the floor covered in coolant without having kept the floor maintained and a clean and dry condition.
- c. This hazard occurred or about July 2, 2014, and at times prior thereto at the Mill 2 flying cut off area where employees were exposed to a slip hazard when walking by and working at the ID scarf removal area with the floor covered in coolant without having kept the floor maintained and a clean and dry condition.

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 every workroom floor is kept in a clean and dry condition.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/14/2015
\$7000.00



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

The employer does not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements are being followed. This violation was observed on or about November 20, 2014, where at the facility employees were exposed to hazardous energies when performing service and maintenance to machinery without the employer having conducted a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements are being followed.

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 periodic inspection of the energy control procedure is conducted at least annually to ensure that the procedure and the requirements are being followed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/10/2015
\$7000.00



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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

29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse:

The employer does not store materials so that they are stable and secure against sliding or collapse. This violation was observed on or about July 2, 2014, in the yard area where employees were exposed to a crushed by and struck by hazard when walking and working near pipe racks with damaged and deteriorated wood block separators without the pipe racks being secured against sliding or collapse.

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 stored materials are stable and secure against sliding or collapse.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/06/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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

29 CFR 1910.179(n)(3)(vi): The employer did not require that the operator of crane(s) avoid carrying loads over people.

The employer does not ensure that the operator of the crane avoid carrying loads over people. This violation occurred on or about July 1, 2014, and at times prior thereto, at the Quench and Temp area where an employee was exposed to struck-by and crushed-by hazards while working under the suspended loads being hoisted without the employer requiring that the operator of crane(s) avoid carrying loads over people.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation describing the actions it is taking to ensure that loads are not carried over employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/20/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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 7 a Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one eighth inch.

The employer does not ensure that the work rests on bench grinders are adjusted with a maximum opening of one-eighth inch. This violation was observed on or about July 01, 2014 at the Quench and Temp area in the maintenance shop where employees were exposed to caught in and struck-by hazards when operating a bench grinder without the work rests adjusted to the wheel with a maximum opening of one-eighth inch.

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 all bench grinder are equipped with work rests and that they are properly adjusted.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/20/2015
Proposed Penalty:	\$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: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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

29 CFR 1910.215(b)(9): Guard for abrasive wheel machine where the operator stands in front of the machine was not constructed so that the peripheral protecting member could be adjusted to the constantly decreasing diameter of the wheel.

The employer does not ensure that the tongue guards on bench grinders are adjusted with a maximum opening of one-fourth inch. This violation was observed on or about July 01, 2014 at the Quench and Temp area in the maintenance shop where employees were exposed to struck-by hazards when operating a bench grinder without tongue.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, 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 all bench grinders are equipped with tongue guards and that they are properly adjusted to the grinding wheel with a maximum opening of 1/4th inch.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/20/2015



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i.:

The employer does ensure that air pressure used for cleaning is reduced to less than 30 psi. This hazard was observed on or about July 2, 2014, at the Mill 1 and Mill 2 thread lines where employees were exposed to a struck by hazard when using compressed air to clean the ends of threaded pipe without the employer having the air pressure reduced to less than 30 psi.

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 air pressure used for cleaning is reduced to less than 30 psi.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/12/2015
Proposed Penalty:	\$3300.00



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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

29 CFR 1910.253(b)(5)(ii)(A): When transporting cylinders by a crane or derrick, a cradle, boat, or suitable platform shall be used. Slings or electric magnets shall not be used for this purpose. Valve-protection caps, where cylinder is designed to accept a cap, shall always be in place.

The employer does not ensure that cylinders transported by a crane or derrick have the valve-protection caps in place. This violation was observed on or about July 01, 2014, at the Mill 2 near the flying cut off area, where employees were exposed to struck-by hazards when cylinders were lifted and transported by a crane without valve-protection caps in place.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, 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 cylinders transported by a crane have valve-protection caps in place.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/20/2015
Proposed Penalty:	\$5500.00



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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

29 CFR 1910.305(b)(2)(i): Each outlet box in completed installations did not have a cover, faceplate, or fixture canopy:

The employer does not provide all electrical fittings with covers.

- a. This violation was observed on or about July 2, 2014, in Mill 1 break room near the northeast corner, where employees were exposed to an electrical hazard while walking and sitting near and utilizing a wall electrical outlet without the outlet box being covered
- b. This violation was observed on or about July 2, 2014, in Mill 1 break room behind the Powerade vending machine where employees were exposed to an electrical hazard when operating the machine without the outlet box being covered.

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 all pull boxes, junction boxes, and fittings are provided with covers.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/06/2015
\$3300.00



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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

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

The employer does not guard every open sided platform four feet above adjacent ground levels by a standard railing or its equivalent.

a. This violation occurred or about July 1, 2014, and at times prior thereto in the pipe yard where employees were exposed to fall hazards when climbing and working on pipe racks without standard railings or equivalent.

b. This violation occurred or about November 12, 2014, and at times prior thereto in the Slitter area where employees were exposed to fall hazards when traversing the north side slitter platform without the platform having standard railings or equivalent.

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 every open sided floor and/or platform four feet or more above adjacent floors or the ground level is guarded by standard railing or its equivalent.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/06/2015
\$70000.00



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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

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:

The employer does not utilize energy isolation procedures for the control of potentially hazardous energy.

- a. This violation occurred on or about July 1, 2014, and at times prior thereto, at Mill 2 HPU where authorized and affected personnel were exposed to struck by and crushed by hazards when performing service and/or maintenance on the unit without utilizing written energy control procedures for the control of potentially hazardous energy.
- b. This violation occurred on or about July 1, 2014, and at times prior thereto, at the splitter turnstile where a maintenance employee was performing service and/or maintenance near the turnstile without utilizing written energy control procedures for the control of potentially hazardous energy.
- c. This violation occurred on or about July 2, 2014, and at times prior thereto, at the Quench & Temp Straightener where an authorized and affected employee was exposed to struck by and crushed by hazards when performing service and/or maintenance on the unit without utilizing written energy control procedures for the control of potentially hazardous energy.
- d. This violation occurred on or about November 12, 2014, and at times prior thereto, at the Mill 1 Blowout where operators and maintenance employees were exposed to struck-by and crushed-by hazards when cleaning the area and performing service to the walking beams without utilizing written energy control procedures for the control of potentially hazardous energy.
- e. This violation occurred on or about November 12, 2014, and at times prior thereto, at the Mill 2 Flying Cutoff where employees were exposed to struck-by and crushed-by hazards when cleaning the drains in the area without utilizing written energy control procedures for the control of potentially hazardous energy.

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: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

f. This violation occurred on or about November 12, 2014, and at times prior thereto, at the Mill 2 Blowout area where employees were exposed to struck by and crushed by hazards when servicing the area without utilizing written energy control procedures for the control of potentially hazardous energy.

Boomerang Tube, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.147(c)(4)(i), which was contained in OSHA inspection number 315610279, citation number 2 item number 9 and was affirmed as a final order on 11/05/2012, with a final abatement date of 10/20/2012, with respect to a workplace located at 1100 FM 3661 Road, Liberty, TX 77575.

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 specific procedures have been developed, documented and utilized for the control of potentially hazardous energy.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/20/2015
Proposed Penalty:	\$38500.00



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

Citation 3 Item 2 Type of Violation: **Repeat**

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by ingoing nip points, rotating parts, flying chips and sparks:

The employer does not provide his employees with one or more methods of machine guarding to protect the operator and other employees in the machine area from hazards such as those created by ingoing nip points, rotating parts, flying chips and sparks.

a. This violation occurred on or about July 1, 2014, and at times prior thereto, at the Mill Line 1, Mill Line 2 and upset areas where authorized and affected personnel were exposed to struck by and caught-between hazards when working close to moving pipes, moving drift units, gravity propelled tables, moving mill flying pipe cutoff units, various hydraulic conveyor arms including, but not limited to kicker and bucking arms without the employer having provided one or more methods of machine guarding to protect the employees.

b. This violation occurred on or about July 1, 2014, and at times prior thereto, at the slitter area where authorized and affected personnel were exposed to struck by and caught-between hazards when working close to unguarded moving scarf, moving steel coil sheeting and hydraulic table without the employer having provided one or more methods of machine guarding to protect the employees.

c. This violation occurred on or about July 1, 2014, and at times prior thereto, at the Thread and Finishing lines 1 and 2 areas where authorized and affected personnel were exposed to struck by and caught-between hazards when working close to spinning threaders, and moving and spinning pipes without the employer having provided one or more methods of machine guarding to protect the employees.

The BOOMERANG TUBE, LLC was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard 29 CFR 1910.212(a)(i), which was contained in OSHA inspection number 315610279 Citation Number 2, Item Number 4 and was affirmed as a final order on 11/05/2012, with a final abatement date of 10/20/2012, with respect to a workplace located at 1100 FM 3661 Road, Liberty, TX 77575.

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: 983919
Inspection Date(s): 07/01/2014 - 11/13/2014
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Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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 all identified hazards are controlled by appropriate guarding in accordance with American National Standards Institute (ANSI) B11.18-1997, sub clause 8.3.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/20/2015
Proposed Penalty:	\$38500.00

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: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

Citation 3 Item 3 Type of Violation: **Repeat**

29 CFR 1910.212(a)(3)(ii): The point of operation of machines whose operation exposed an employee to injury, was not guarded:

The employer does not guard the point of operation of machines whose operation exposes an employee to injury.

- a) This violation occurred on or about July 1, 2014, and at times prior thereto, at the scarf winder on Mill 1 where employees were exposed to caught in and struck by hazards when they load and remove scarf from a collection wheel without the point of operation being guarded to protect the employees from injury.
- b) This violation occurred on or about July 1, 2014, and at times prior thereto, at the scarf winder on Mill 2 where employees were exposed to a caught in and struck by hazard when they load and remove scarf from a collection wheel without the point of operation being guarded to protect the employees from injury.

The BOOMERANG TUBE, LLC was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard 29 CFR 1910.212(a)(3)(ii), which was contained in OSHA inspection number 315610279 Citation Number 2, Item Number 5 and was affirmed as a final order on 11/05/2012, with a final abatement date of 10/20/2012, with respect to a workplace located at 1100 FM 3661 Road, Liberty, TX 77575.

For this contested citation item, the final order date was the 30th day after the date on which a decision or order of the Commission Administrative Law Judge has been docketed with the commission. The decision or order was docketed on 10/05/2012 and became final order on 11/05/2012.

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

Inspection Number: 983919
Inspection Date(s): 07/01/2014 - 11/13/2014
Issuance Date: 12/30/2014



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

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 guards are installed on all machines to protect employees from the point of operation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/20/2015
Proposed Penalty:	\$38500.00

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: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

Citation 3 Item 4 Type of Violation: **Repeat**

29 CFR 1910.303(g)(2)(i): Except as elsewhere required or permitted by Subpart S of Part 1910, live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the means identified in paragraphs (A), (B), (C), and (D) of 29 CFR 1910.303(g)(2)(i):

The employer does not guard live parts of electrical equipment against accidental contact by approved cabinets or other forms of approved enclosures. This occurred or about July 1, 2014, and at times prior thereto in the Mill 1 threading area where employees were exposed to an electrical hazard when walking down an aisle way and using a staircase adjacent to a an electrical junction box under the conveyor with extruding live electrical wires without having guarded the live parts of the electrical equipment.

Boomerang Tube, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.303(g)(2)(i), which was contained in OSHA inspection number 315610279, citation number 1 item number 9 and was affirmed as a final order on 11/05/2012, with a final abatement date of 10/20/2012, with respect to a workplace located at 1100 FM 3661 Road, Liberty, TX 77575.

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 live parts of electrical equipment are guarded against accidental contact by approved cabinets or other forms of approved enclosures

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/06/2015
\$38500.00

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

Inspection Number: 983919
Inspection Date(s): 07/01/2014 - 11/13/2014
Issuance Date: 12/30/2014



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

Citation 4 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:(a)(LOCATION)(IDENTIFY EQUIPMENT AND CONDITION(S))(STATE HAZARD(S) TO EMPLOYEE(S))

The employer does not ensure that flexible cords and/or cables are used as a substitute for the fixed wiring of a structure. This violation was observed on or about July 1, 2014, throughout the facility where extension cords were being used to supply power to portable fans without installing fixed wiring.

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 temporary wiring are not used as a substitute for fixed wiring of the structure.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/12/2015
\$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: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

Citation 4 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.334(a)(2)(i): Portable cord and plug connected equipment and flexible cord sets (extension cords) were not 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):

The employer does not ensure that flexible cord sets are visually inspected before use on any shift for external defects. This violation was observed on or about July 1, 2014, near the Mill 1 run out where employees were using a damaged extension cord to supply power to a fan without having visually inspected the flexible cord set before use.

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 flexible cord sets are visually inspected before use for external defects.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/12/2015
Proposed Penalty:	\$0.00



Citation and Notification of Penalty

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575

Citation 4 Item 3 Type of Violation: **Other-than-Serious**

29 CFR 1910.334(a)(2)(ii): There was a defect or evidence of damage that could have exposed an employee to injury and the defective or damaged item was not removed from service:

The employer does not remove defective or damaged cord and plug connected equipment from service.

a. This violation was observed on or about July 3, 2014, near the Mill 2 accumulator where employees were exposed to electrical hazards when using a fan with a damaged motor casing that exposed live electrical connectors without having removed the damaged equipment from service

b. This violation was observed on or about July 3, 2014, near the Mill 2 OD scarf area where employees were exposed to an electrical hazard when using a fan with a damaged motor casing that exposed live electrical connectors without having removed the damaged equipment from service

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 defective or damaged equipment are removed from service.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/06/2015

Proposed Penalty:

\$0.00

David A. Doucet
Area Director

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



INVOICE / DEBT COLLECTION NOTICE

Company Name: BOOMERANG TUBE, LLC
Inspection Site: 1100 FM 3361, Liberty, TX 77575
Issuance Date: 12/30/2014

Summary of Penalties for Inspection Number	983919
Citation 1, Serious	\$59600.00
Citation 2, Willful	\$70000.00
Citation 3, Repeat	\$154000.00
Citation 4, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$283600.00

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.

David A. Doucet

Area Director

Date