

U.S. Department of Labor
Occupational Safety and Health Administration
3300 Vickery Road
North Syracuse, NY 13212
Phone: 315-451-0808 Fax: 315-451-1351



Citation and Notification of Penalty

To:
Marietta Corporation
and its successors
Greg Rudy, Plant Manager
106 Central Avenue
Cortland, NY 13045

Inspection Number: 1000129
Inspection Date(s): 10/09/2014 - 01/29/2015
Issuance Date: 04/08/2015

Inspection Site:
106 Central Avenue
Cortland, NY 13045

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

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

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

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

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

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

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

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/08/2015. The conference will be held by telephone or at the OSHA office located at 3300 Vickery Road, North Syracuse, NY 13212 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1000129

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045
Issuance Date: 04/08/2015

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 3300 Vickery Road, North Syracuse, NY 13212**

Citation Number 1 and Item Number 1 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 2a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 2b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 2c was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 4 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 5 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 6a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 6b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 6c was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 1 was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 2a was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 2b was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 2c was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 3 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

Inspection Number: 1000129
Inspection Date(s): 10/09/2014 - 01/29/2015
Issuance Date: 04/08/2015



Citation and Notification of Penalty

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

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

29 CFR 1910.36(h)(2): Outdoor exit route was not covered where snow or ice was likely to accumulate. (Exception: Not required where employer can demonstrate that snow or ice will be removed before it can present a hazard):

- a) **Exit 5, on or about 12/12/14: An outside exit route from production area was not kept clear following significant accumulations of snow.**
- b) **Exit 6, on or about 12/12/14: An outside exit route from production area was not kept clear following significant accumulations of snow.**
- c) **Exit from waste storage area on Dio way, on or about 12/12/14: An outside exit from waste storage area was not kept clear following significant accumulations of snow.**

Abatement certification must be submitted for this item

Date By Which Violation Must be Abated:
Proposed Penalty:

04/18/2015
\$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: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

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

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

29 CFR 1910.132(d)(2): The employer did not verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated, the person certifying that the evaluation has been performed, the date(s) of the hazard assessment, and, which identifies the document as a certification of hazard assessment:

a) Throughout the facility, on or about 10/30/14: A hazard assessment was not certified for PPE needed to protect Marietta employees and Select Staffing temporary agency employees exposed to hazards including but not limited to chemical burns.

Abatement certification must be submitted for this item

Date By Which Violation Must be Abated:
Proposed Penalty:

05/13/2015
\$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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Issuance Date: 04/08/2015



Citation and Notification of Penalty

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

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

29 CFR 1910.132(f)(1)(iv): Employee(s) required to use PPE by this section were not trained to know the limitations of PPE:

a) Throughout the facility, on or about 10/30/14: Janitors were not trained on the limitations of the personal protective equipment provided including, but not limited to, protective eyewear.

Abatement certification must be submitted for this item

Date By Which Violation Must be Abated:

05/13/2015

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: 1000129
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Issuance Date: 04/08/2015



Citation and Notification of Penalty

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

Citation 1 Item 2 c Type of Violation: Serious

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

a) Throughout the facility, on or about 10/30/14: Janitors were not provided with chemical splash goggles or face shield when using Bol Brite, a corrosive toilet bowl cleaner containing hydrochloric acid.

Abatement certification must be submitted for this item

Date By Which Violation Must be Abated:

05/13/2015

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: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

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

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

a) Kitting area the facility, on or about 10/30/14: An eyewash and safety shower were not available for Marietta and Select Staffing temporary agency employees, that work with corrosives such as Neolone containing 2-Methyl-4-isothiazolin-3-one; sodium hydroxide; and Microcare ITL containing isothiozolonones.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5500.00

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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Issuance Date: 04/08/2015



Citation and Notification of Penalty

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

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

29 CFR 1910.176(a): Where mechanical handling equipment is used, sufficient safe clearances were not allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Permanent aisles and passageways were not appropriately marked.

a) Aisle way into waste storage area on side of flammable storage area, on or about 12/17/14: An aisle way used by both pedestrians and fork lifts was not marked and sufficient clearance was not maintained due to stored containers, pallets and totes.

b) Entry into VO5 area, on or about 12/17/14: An entrance into VO5 area used by both pedestrians and fork lifts was not marked and sufficient clearance was not maintained due to stored bins.

c) Aisle way into waste storage area on side of flammable storage area, on or about 10/30/14: An aisle way used by both pedestrians and fork lifts was not marked and sufficient clearance was not maintained due to stored containers, pallets and totes.

d) Aisle way into waste storage area on side of flammable storage area, on or about 1/29/15: An aisle way used by both pedestrians and fork lifts was not marked and sufficient clearance was not maintained due to stored containers, pallets and totes.

Abatement documentation must be submitted for this item

Date By Which Violation Must be Abated:

05/13/2015

Proposed Penalty:

\$6600.00

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

Inspection Number: 1000129
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Issuance Date: 04/08/2015



Citation and Notification of Penalty

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

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

29 CFR 1910.178(l)(4)(ii)(B): Refresher training in relevant topics was not provided to the operator when the operator has been involved in an accident or near-miss;

a) Throughout the facility, on or about the dates including, but not limited to, 11/24/14 and 12/8/14: Employees operating fork lifts and motorized pallet jacks were not provided with refresher training when involved in accidents or near-miss situations:

Abatement documentation must be submitted for this item

Date By Which Violation Must be Abated:
Proposed Penalty:

05/13/2015
\$7000.00

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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Issuance Date: 04/08/2015



Citation and Notification of Penalty

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

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 6 a Type of Violation: **Serious**

29 CFR 1910.1200(g)(8): The employer did not maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and did not ensure that they were readily accessible during each work shift to employees when they were in their work area(s)

a) Throughout the facility, on or about 10/30/14; Safety data sheets were locked in a management office which prevented janitors from accessing them on weekends.

Abatement certification must be submitted for this item

Date By Which Violation Must be Abated:
Proposed Penalty:

04/18/2015
\$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

Inspection Number: 1000129
Inspection Date(s): 10/09/2014 - 01/29/2015
Issuance Date: 04/08/2015



Citation and Notification of Penalty

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

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

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

a) Throughout the facility, on or about 10/30/14: Employees, including but not limited to, janitors were not informed of the presence of flammable, corrosive and toxic chemicals in their work areas.

Abatement certification must be submitted for this item

Date By Which Violation Must be Abated:

04/18/2015

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: 1000129
Inspection Date(s): 10/09/2014 - 01/29/2015
Issuance Date: 04/08/2015



Citation and Notification of Penalty

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

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

29 CFR 1910.1200(h)(3)(ii): Employee training did not include the physical, health, simple asphyxiation, combustible dust and pyrophoric gas hazards of the chemicals in the work area:

a) Throughout the facility, on or about 10/30/14: Employees, including but not limited to janitors and pre-weigh techs were not trained on the specific hazards of chemicals in their work areas, including but not limited to flammable, corrosive and severely irritating chemicals.

Abatement certification must be submitted for this item

Date By Which Violation Must be Abated:

04/18/2015

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: 1000129
Inspection Date(s): 10/09/2014 - 01/29/2015
Issuance Date: 04/08/2015



Citation and Notification of Penalty

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

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

29 CFR 1910.106(e)(2)(ii)(b)(2): The quantity of Category 2, 3 or 4 flammable liquid located outside of an inside storage room or storage cabinet in a building or in any one fire area of a building exceeded 120 gallons:

- a) Pre-weigh area, on or about 10/9/14: Thirty two 55-gallon containers of ethanol, a category 2 flammable liquid, were stored outside of flammable storage cabinets.
- b) Pre-weigh area, on or about 10/30/14: Two 55-gallon drums of Liberty Freesia, a category 4 flammable liquid; Thirty gallon container of First Crush, a category 3 flammable liquid; and a 55 gallon container of Takasago Finesse, a category 4 flammable liquid were stored outside of flammable storage cabinets.
- c) Storage area, on or about 10/30/14: Eleven 55-gallon drums of ethanol, a category 2 flammable liquid, were stored in front of and outside of the flammable storage lockers.
- d) Storage area, on or about 10/30/14: Twelve 55-gallon drums of ethanol were stored outside of and behind the flammable storage lockers.

Abatement documentation must be submitted for this item

Marietta Corporation was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.106(e)(2)(ii)(b)(2), which was contained in OSHA inspection number 314350141 in citation 1, item 4 and was affirmed by final order 6/16/2011.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/13/2015
\$27500.00

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

Inspection Number: 1000129
Inspection Date(s): 10/09/2014 - 01/29/2015
Issuance Date: 04/08/2015



Citation and Notification of Penalty

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

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

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

a) Compounding area and kitting areas, on or about 10/30/14: Newly hired Marietta employees that are required to use respirators such as North half- and full- face air purifying respirators were not provided with medical evaluations.

b) Compounding area and kitting areas, on or about 10/30/14: Newly hired Select Staffing employees that are required to use respirators such as North half- and full- face air purifying respirators were not provided with medical evaluations.

Abatement documentation must be submitted for this item

Marietta Corporation was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.134(e)(1), at its 340 East 138th Street, Chicago Illinois location which was contained in OSHA inspection number 313937237 in citation 2, item 1 and was affirmed by final order on 1/18/2011.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/13/2015
\$22000.00

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

Inspection Number: 1000129
Inspection Date(s): 10/09/2014 - 01/29/2015
Issuance Date: 04/08/2015



Citation and Notification of Penalty

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

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

29 CFR 1910.134(k)(3): Training was not provided prior to requiring employees to use a respirator in the workplace:

a) Compounding and kitting areas, on or about 10/10/14: Training was not provided for Marietta employees that are required to wear North half mask and full face piece respirator.

b) Compounding and kitting areas, on or about 10/10/14: Training was not provided for temporary employees that are required to wear North half mask and full face piece respirators.

Abatement documentation must be submitted for this item

Marietta Corporation was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.134(e)(1), which was contained in OSHA inspection number 314350059 citation 2, item 1 and was affirmed by final order 6/16/11.

Date By Which Violation Must be Abated:

05/13/2015

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

Inspection Number: 1000129
Inspection Date(s): 10/09/2014 - 01/29/2015
Issuance Date: 04/08/2015



Citation and Notification of Penalty

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

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

29 CFR 1910.134(l)(1): Evaluations of the workplace were not conducted to ensure the written respiratory protection program was being effectively implemented:

- a) **Compounding and kitting areas, on or about 10/9/14: The provisions of the company's written respiratory protection program were not evaluated to ensure proper implementation of its provisions for Marietta employees that are required to wear North half mask and full face piece respirators. Initial medical evaluations and training were not performed for new employees.**
- b) **Compounding and kitting areas, on or about 10/9/14: The provisions of the company's written respiratory protection program were not evaluated to ensure proper implementation of its provisions for Select Staffing employees that are required to wear North half mask and full face piece respirators. Initial medical evaluations and training were not performed for new employees.**

Abatement documentation must be submitted for this item

Marietta Corporation was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.134(c)(1), which was contained in OSHA inspection number 314350059 citation 2, item 1 and was affirmed by final order 6/16/11.

Date By Which Violation Must be Abated:

05/13/2015

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: 1000129
Inspection Date(s): 10/09/2014 - 01/29/2015
Issuance Date: 04/08/2015



Citation and Notification of Penalty

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045

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

29 CFR 1910.1200(f)(6): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the information specified under paragraphs (f)(6)(i) through (ii) of this section:

- a) **Pre-weigh area, on or about 10/9/14: A 55 gallon container of Takasago finesse was not labeled with hazard warnings.**
- b) **Pre-weigh area, on or about 10/9/14: A 30 gallon container of Escape II was not labeled with hazard warnings.**
- c) **Pre-weigh area, on or about 10/9/14: A 55 gallon drum of isothiazolone was not labeled with hazard warnings.**
- d) **Pre-weigh area, on or about 10/9/14: A 55 gallon drum of Polyglycol 425 was not labeled with hazard warnings.**
- e) **Pre-weigh area, on 10/30/14: A 55 gallon drum of a Takasago product was not labeled with the identity of the contents.**

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

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Occupational Safety and Health Administration

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Inspection Site: 106 Central Avenue, Cortland, NY 13045

f) Pre-weigh area, on 10/30/14: A 55 gallon container simply labeled "RY" was not labeled with the identity of the contents.

Abatement documentation must be submitted for these items

Marietta Corporation was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1200(f), which was contained in OSHA inspection number 314350059 citation 1, item 1 and was affirmed by final order 6/16/11.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/13/2015
\$22000.00

A handwritten signature in black ink, appearing to read "Christopher Adams". The signature is written in a cursive style and is positioned above a horizontal line.

Christopher Adams, CIH CSP
Area Director

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U.S. Department of Labor
Occupational Safety and Health Administration
3300 Vickery Road
North Syracuse, NY 13212
Phone: 315-451-0808 Fax: 315-451-1351



INVOICE /
DEBT COLLECTION NOTICE

Company Name: Marietta Corporation
Inspection Site: 106 Central Avenue, Cortland, NY 13045
Issuance Date: 04/08/2015

Summary of Penalties for Inspection Number	1000129
Citation 1, Serious	\$32300.00
Citation 2, Repeat	\$71500.00
TOTAL PROPOSED PENALTIES	\$103800.00

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

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



Christopher Adams, CIH CSP

Area Director

4/2/2015
Date