

U.S. Department of Labor

Occupational Safety and Health Administration
100 N. Broadway
Suite 470
Wichita, KS 67202
Phone: 316-269-6644 Fax: 316-269-6185



Citation and Notification of Penalty

To:
Rail Car Services, LLC
P.O. Box 681288
Kansas City, MO 64168

Inspection Number: 910605
Inspection Date(s): 06/07/2013 - 12/04/2013
Issuance Date: 12/04/2013

Inspection Site:
1100 Sunshine Road.
Kansas City, KS 66115

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 12/04/2013. The conference will be held by telephone or at the OSHA office located at 100 N. Broadway, Suite 470, Wichita, KS 67202 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 910605

Company Name: Rail Car Services, LLC
Inspection Site: 1100 Sunshine Road., Kansas City, KS 66115
Issuance Date: 12/04/2013

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, 100 N. Broadway, Suite 470, Wichita, KS 67202**

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: Rail Car Services, LLC
Inspection Site: 1100 Sunshine Road., Kansas City, KS 66115

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

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

Employees were exposed to injury or illness due to cardiovascular distress in that the employer had not provided employees that were required to wear respirators with a medical evaluation to determine their physical fitness and ability to use a respirator.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/21/2014
\$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: 12/04/2013



Citation and Notification of Penalty

Company Name: Rail Car Services, LLC
Inspection Site: 1100 Sunshine Road., Kansas City, KS 66115

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

29 CFR 1910.134(i)(1)(ii)(E): Compressed breathing air did not meet at least the requirements for Grade D breathing air described in ANSI/Compressed Gas Association Commodity Specification for Air, G-7.1-1989 to include lack of a noticeable odor:

Employees were exposed to respiratory injury or illness in that the employer had not provided grade D breathing air for air supplied respirators/blasting hoods.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/21/2014
\$7000.00

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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Rail Car Services, LLC
Inspection Site: 1100 Sunshine Road., Kansas City, KS 66115

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

29 CFR 1910.1200(e)(2): The employer that produced, used, or stored hazardous chemicals at the workplace in such a way that employees of other employer(s) could be exposed did not ensure that the hazard communication program included all of the elements outlined in 29 CFR 1910.1200(e)(2)(i) through 29 CFR 1910.1200(e)(2)(iii):

Employees of contractors working in or around the sand blasting area were exposed to injury and illness in that the Rail ICar Services Hazard Communication Program did not address how these contract employees would be informed of the hazards of chemicals used in the workplace. Hazardous chemicals included silica sand used for sand blasting and Black Diamond blasting media which also contained silica.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/21/2014
\$7000.00

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Citation and Notification of Penalty

Company Name: Rail Car Services, LLC
Inspection Site: 1100 Sunshine Road., Kansas City, KS 66115

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

29 CFR 1910.134(k): The employer did not provide comprehensive, understandable training which did not occur annually and/or more often if necessary:

Employees were exposed to injury or illness from improper respirator use. The employer had not provided employees that use respirators with training and information as required by this section.

Rail Car Services, LLC, was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.134(d), which was contained in OSHA inspection number 331584, citation number 1, item number 3 and was affirmed as a final order on September 18, 2012 with respect to a workplace located at 1100 Sunshine Rd in Kansas City, Ks.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/21/2014
\$14000.00

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Citation and Notification of Penalty

Company Name: Rail Car Services, LLC
Inspection Site: 1100 Sunshine Road., Kansas City, KS 66115

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

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

Employees were exposed to injury while entering permit required confined spaces. Employees were entering rail cars through the top man holes to conduct sand blasting, lining and other operations. The confined spaces had not been evaluated by the employer and determined to be permit-required confined spaces.

Rail Car Services, LLC, was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.146(c)(1), which was contained in OSHA inspection number 331584, citation number 1, item number 4 and was affirmed as a final order on September 18, 2012 with respect to a workplace located at 1100 Sunshine Rd in Kansas City, Ks.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/21/2014
\$14000.00

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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Citation and Notification of Penalty

Company Name: Rail Car Services, LLC
Inspection Site: 1100 Sunshine Road., Kansas City, KS 66115

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

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

Employees were exposed to injury from the hazards associated with permit-required confined space entry. The employer had not posted signs or in any other way alerted employees of the existence and location of permit-required confined spaces such as rail cars that were entered through top port holes for sand blasting, lining, and other operations.

Rail Car Services, LLC, was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.146(c)(2), which was contained in OSHA inspection number 331584, citation number 1, item number 5 and was affirmed as a final order on September 18, 2012, with respect to a workplace located at 1100 Sunshine Rd in Kansas City, Ks.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/21/2014
\$14000.00

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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Citation and Notification of Penalty

Company Name: Rail Car Services, LLC
Inspection Site: 1100 Sunshine Road., Kansas City, KS 66115

Citation 2 Item 4 Type of Violation: **Repeat**

29 CFR 1910.146(d)(5)(i): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not evaluate permit space conditions when entry operations were conducted by testing conditions in the permit space to determine if acceptable entry conditions existed before entry was authorized to begin:

Employees were exposed to injury or illness while entering permit-required confined spaces. Employees entered rail cars through top entry port holes to gain access for sand blasting and other operations. The employer had not performed an evaluation of the atmosphere inside the confined spaces to determine the presence of oxygen deficient, toxic or flammable atmospheres.

Rail Car Services, LLC, was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.146(d)(5)(i), which was contained in OSHA inspection number 331584, citation number 1, item number 7 and was affirmed as a final order on September 18, 2012, with respect to a workplace located at 1100 Sunshine Rd in Kansas City, Ks.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/21/2014
\$14000.00

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: 12/04/2013



Citation and Notification of Penalty

Company Name: Rail Car Services, LLC
Inspection Site: 1100 Sunshine Road., Kansas City, KS 66115

Citation 2 Item 5 Type of Violation: **Repeat**

29 CFR 1910.146(e)(1): Before entry was authorized, the employer did not document the completion of measures required by 29 CFR 1910.146(d)(3) by preparing an entry permit:

Employees were exposed to injury or illness from the hazards associated with confined space entry. Employees entered permit-required confined spaces, rail cars, through top entry port holes for sand blasting operations. The employer did not ensure and document safe entry conditions by using an entry permit.

Rail Car Services, LLC, was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.146(e)(1), which was contained in OSHA inspection number 331584, citation number 1, item number 8 and was affirmed as a final order on September 18, 2012, with respect to a workplace located at 1100 Sunshine Rd in Kansas City, Ks.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:	01/21/2014
Proposed Penalty:	\$14000.00

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: Rail Car Services, LLC
Inspection Site: 1100 Sunshine Road., Kansas City, KS 66115

Citation 2 Item 6 Type of Violation: **Repeat**

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146 (permit required confined spaces) acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under 29 CFR 1910.146:

Employees were exposed to injury or illness from the hazards associated with confined space entry. Employees entered permit-required confined spaces, top entry rail cars, for sand blasting operations. The employer had not provided training to recognize, evaluate, and control the hazards associated with confined space entry.

Rail Car Services, LLC, was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.146(g)(1), which was contained in OSHA inspection number 331584, citation number 1, item number 9 and was affirmed as a final order on September 18, 2012, with respect to a workplace located at 1100 Sunshine Rd in Kansas City, Ks.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/21/2014
\$14000.00



Citation and Notification of Penalty

Company Name: Rail Car Services, LLC
Inspection Site: 1100 Sunshine Road., Kansas City, KS 66115

Citation 2 Item 7 Type of Violation: **Repeat**

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

Employees were exposed to injury and illness from hazardous chemicals. Employees had not been provided training to recognize, evaluate, and control exposure to hazardous chemicals. Hazardous chemicals used in the facility included but were not limited to oxygen, propane, and silica sand.

Rail Car Services, LLC, was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1200(h)(1), which was contained in OSHA inspection number 331584, citation number 1, item number 14 and was affirmed as a final order on September 18, 2012, with respect to a workplace located at 1100 Sunshine Rd in Kansas City, Ks.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/21/2014
\$14000.00

A handwritten signature in dark ink, appearing to read "Judy Freeman", is written over a horizontal line.

Judy Freeman
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
100 N. Broadway
Suite 470
Wichita, KS 67202
Phone: 316-269-6644 Fax: 316-269-6185



INVOICE / DEBT COLLECTION NOTICE

Company Name: Rail Car Services, LLC
Inspection Site: 1100 Sunshine Road., Kansas City, KS 66115
Issuance Date: 12/04/2013

Summary of Penalties for Inspection Number	910605
Citation 1, Serious	\$21000.00
Citation 2, Repeat	\$98000.00
TOTAL PROPOSED PENALTIES	\$119000.00

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.

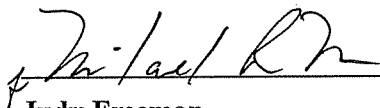
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

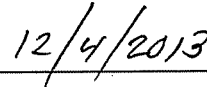
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per 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.



Judy Freeman

Area Director



Date