

State of Tennessee

Department of Labor and Workforce Development
220 French Landing Drive
Nashville, TN 37243
Phone: 615-741-2793 Fax: 615-253-1623



Citation and Notification of Penalty

To:
Prince Erachem LLC
and its successors
795 Foote Lane
New Johnsonville, TN 37134

Inspection Number: 1349558
Inspection Date (s): 09/24/2018
Issuance Date: 03/21/2019
Reporting ID: 0454715
CSHO ID: J9133
Optional Report #: 066-2018

Inspection Site:
795 Foote Lane
New Johnsonville, TN 37134

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.

On 09/24/2018, an inspection of your establishment/workplace was conducted by the Tennessee Occupational Safety and Health Administration (TOSHA) pursuant to Tennessee Code Annotated §§ 50-3-101 through 50-3-918. This Citation and Notification of Penalty (hereafter referred to as this Citation) allege violations of standards and/or rules promulgated under the provisions of the Code. These alleged violations must be corrected on or before the date indicated with each violation description.

Under the Code, employers have certain responsibilities and rights regarding citations for alleged violations.

EMPLOYER RESPONSIBILITIES

POST THIS CITATION

T.C.A. § 50-3-307(a)(4) and Department of Labor and Workforce Development Rules require this Citation (or a copy) to be immediately posted at or near the location where each alleged violation occurred, or if not practicable, in a prominent place visible to all employees. This Citation must remain posted until the alleged violations are corrected but for no less than three (3) working days. Equipment, referenced in this Citation, that is moved during the correction period, must have a copy of this Citation attached. Failure to post this Citation subjects the employer to a penalty of up to \$3,000.00 for each Citation not posted.

CORRECT THE VIOLATIONS

You must correct each violation by the date listed in this Citation unless you request an extension or file a notice of contest. (See "Formal Contest" below.)

EXTENSION OF CORRECTION DATES

- 1) You may request an extension of the correction date(s) set forth in this Citation(s) when you cannot correct the alleged violation(s) by the date listed because of circumstances beyond your control. The request must be in writing and filed with the TOSHA area office supervisor no later than the end of the business day on the day after the original abatement date. The request must include the following information:
 - a) Steps taken to-date to correct the cited conditions.
 - b) Additional time needed to achieve compliance.
 - c) The reasons additional time is necessary.
 - d) All interim steps being taken to safeguard employees against the cited hazard.
 - e) A dated certification that a copy of the request has been posted and, if appropriate, served on the authorized representative of affected employees.

The employer shall post a copy of the request in a conspicuous place for a period of twenty (20) calendar days. The area supervisor then has ten (10) days after the posting period to grant or deny the request and will inform the employer of such, in writing, by the end of the ten (10) day period.

To request an extension of correction date(s), contact Sherry Collins, Area Supervisor at telephone (731) 423-5640 or fax (731) 426-0505.

NOTIFY TOSHA OF CORRECTIVE ACTION

You must notify Sherry Collins, in writing, when correction of each alleged violation has been completed. Enclosed is the Abatement Certification Form to be used to report corrective action taken for each violation. Instructions for completing this form are also enclosed.

You must also notify your employees and their representatives (if represented) of corrective action taken by posting the Abatement Certification Form, or by other effective means.

For items identified in this Citation as “**Abatement Verification Required**”, you must include additional documentation such as photographs, receipts, work orders, etc. to verify the corrective action taken. Failure to provide this additional documentation to TOSHA will subject the employer to additional penalties of up to \$1,000.00. This additional documentation must also be posted at or near where the violation occurred. Failure to post the additional documentation will subject the employer to additional penalties of up to \$3,000.00.

PAYMENT OF PENALTY

Payment for the penalty is **due in full thirty (30) days from the date of receipt of this Citation and Notification of Penalty** unless a notice of contest is filed. Correction of alleged violation(s) does not excuse you from payment of any penalty which has become a final order of the Department of Labor and Workforce Development. Penalties not paid within thirty (30) days from the date of receipt will be assessed late fees and interest (see the Penalty Notice enclosed). Penalties should be paid by check or money order made payable to: “Treasurer State of Tennessee.” Mail payments to the following address:

**State of Tennessee, Department of Labor and Workforce Development
Division of Occupational Safety and Health
Attn: Penalty Payments
220 French Landing Drive
Nashville, TN 37243-1002**

EMPLOYER RIGHTS

INFORMAL CONFERENCE

You may request an informal conference to discuss the alleged violations and/or penalties. Informal conferences **must be held within twenty (20) days of the receipt of this Citation and Notification of Penalty**. To schedule an informal conference, contact Sherry Collins, Area Supervisor at telephone (731) 423-5640 or fax (731) 426-0505. Twenty four (24) hours prior to the informal conference post the "Notice to Employees of Informal Conference" and bring a copy of the notice to the informal conference. A copy of the notice is enclosed.

FORMAL CONTEST

You have the right to contest any or all parts of this Citation and/or the penalties before the Tennessee Occupational Safety and Health Review Commission. If you choose to contest, you must submit written notification to the Commissioner of Labor and Workforce Development stating what parts of this Citation and Notification of Penalty you are contesting. Notification **must be received within twenty (20) calendar days of receipt of this Citation and Notification of Penalty**. If you do not contest within the twenty (20) calendar day period, this Citation and Notification of Penalty shall be deemed a final order and not subject to further review by any agency or court (T.C.A. §§ 50-3-307(b) and 50-3-407, and Tennessee Department of Labor and Workforce Development Rules Chapter 0800-01-04).

ADDITIONAL INFORMATION

For additional information, contact Sherry Collins, Area Supervisor, Tennessee Department of Labor and Workforce Development, Division of Occupational Safety and Health, 225 Martin Luther King Boulevard, Box 19, Suite 120 , Jackson, TN 38301.

ABATEMENT CERTIFICATION FORM

INSTRUCTIONS

- 1) Complete this form for each cited violation item as follows:
 - a) Enter the citation number and item number in the first column
 - b) Enter the date the item was corrected in the second column
 - c) Explain in detail how each cited violation item was corrected in the third column (See examples below)
- 2) You may request an extension of the correction date(s) set forth in this Citation(s) when you cannot correct the alleged violation(s) by the date listed because of circumstances beyond your control. The request must be in writing and filed with the TOSHA area office supervisor no later than the end of the business day on the day after the original abatement date. The request must include the following information:
 - a) Steps taken to-date to correct the cited conditions.
 - b) Additional time needed to achieve compliance.
 - c) The reasons additional time is necessary.
 - d) All interim steps being taken to safeguard employees against the cited hazard.
 - e) A dated certification that a copy of the request has been posted and, if appropriate, served on the authorized representative of affected employees.

The employer shall post a copy of the request in a conspicuous place for a period of twenty (20) calendar days. The area supervisor then has ten (10) days after the posting period to grant or deny the request and will inform the employer of such, in writing, by the end of the ten (10) day period.

- 3) To request an extension of abatement/correction, contact Sherry Collins, Area Supervisor at telephone (731) 423-5640 or fax (731) 426-0505.
- 4) Mail or fax the completed form to the Area Office shown on the form
- 5) Contact the Area Office Supervisor for additional information or if you have any questions
- 6) Additional copies can be obtained electronically at:
http://tn.gov/assets/entities/labor/attachments/TOSHA_Abatment_Form_2001.pdf

Examples of How to Complete the Form

Citation & Item #	Date Corrected	HOW CORRECTED
1/1	02/16/2008	<p>The unguarded band saw #1234 located in the maintenance area was fitted with a factory made guard purchased from Ajax Equipment Co. The unused portion of the blade is now fully enclosed in a metal guard. Employees have been trained in the proper use of safety equipment.</p> <p>(NOTE: This item was identified as “Abatement/Correction Documentation Required” - We have also enclosed photographs of the newly guarded saw and a copy of the purchase documents from Ajax Equipment the parts supplier.)</p>
2/1a	02/18/2008	A plumbed emergency eyewash and drench shower were installed by ABC Plumbing Co in the acid mixing area. Employees have been trained in the proper use and maintenance of this emergency equipment.
2/1b	02/24/2008	A written hazard communication program has been developed (copy enclosed). All employees have been trained about the haz com program and its components. They have also been trained in the proper use of the specific chemicals they may use in performing their jobs.
2/4	<p>REQUEST EXTENSION OF ABATEMENT PERIOD</p>	<p>We ordered deluge showers on 12/15/15 (P.O. #76) and were informed that they would be shipped 12/16/15. Request extension until 01/17/16. As an interim safety precaution, we temporarily provided rubber water hoses at faucets near the plating tanks. Personal protective equipment is mandatory for this area.</p> <p><i>I certify that a copy of this request was posted on the employee’ bulletin board on (date) and that employees have been informed of their rights under the Act.</i></p> <p>OR</p> <p>We ordered deluge showers on 12/15/15 (P.O. #76) and were informed that they would be shipped 12/16/15. Request extension until 01/17/16. As an interim safety precaution, we temporarily provided rubber water hoses at faucets near the plating tanks. Personal protective equipment is mandatory for this area.</p> <p><i>I certify that a copy of this request was posted on the employees’ bulletin board on (date) and that employees have been informed of their rights under the Act.</i></p>



State of Tennessee
Department of Labor and Workforce Development
Division of Occupational Safety and Health (TOSHA)

**NOTICE TO EMPLOYEES
OF
INFORMAL CONFERENCE**

An informal conference has been scheduled with TOSHA to discuss the Citation and Notification of Penalty. The conference will be held at the TOSHA office located at 225 Martin Luther King Boulevard, Box 19, Suite 120 , Jackson, TN 38301 on _____ (date) at _____(time). Employees and/or representatives of employees have a right to attend an informal conference.

Post this notice twenty-four (24) hours prior to the informal conference.

A copy of this notice must be brought to the informal conference.

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Inspection Number: 1349558
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Issuance Date: 03/21/2019



Citation and Notification of Penalty

Company Name: Prince Erachem LLC
Inspection Site: 795 Foote Lane New Johnsonville, TN 37134

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

TCA 50-3-105(1): The employer did not furnish to each of his employees conditions of employment and a place of employment free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees.

In that flexible sections of hoses used to transfer steam from the hard pipe line to the elbow feeding cells in Cell Room #1 and #2 were not recommended by the manufacturer to be used for steam.

Among other methods, feasible and acceptable means of abatement would be:

- a) replace all hoses with manufacturer recommended hoses to transfer steam
- b) hard pipe the steam lines from the main line into the cells

ABATEMENT VERIFICATION REQUIRED

<u>Date By Which Violation Must be Abated:</u>	<u>April 15, 2019</u>
<u>Proposed Penalty:</u>	<u>\$3000.00</u>

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

TCA 50-3-105(1): The employer did not furnish to each of his employees conditions of employment and a place of employment free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees.

In that employees were operating the CAT 930 less than 2 feet from the edge of the Ore Hopper ramp when dumping ore, where there was no barricade in place to keep the employees from driving off the edge of the ramp.

Among other methods, feasible and acceptable means of abatement would be:

- a) extended the width of the ramp to allow more space to operate equipment without being on the edge
- b) install a barricade along both sides of the ramp to provide a means of protection in the event equipment is required to be operated along the ramp's edge

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Company Name: Prince Erachem LLC
Inspection Site: 795 Foote Lane New Johnsonville, TN 37134

ABATMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated: **April 05, 2019**
Proposed Penalty: **\$3000.00**

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

29 CFR 1910.25(b)(3): Uniform riser heights and tread depths were not provided between landings on stairs.

In that the top step riser height was not uniform on the set of stairs located on the North end middle walkway in Cell Room #2.

Date By Which Violation Must be Abated: **April 05, 2019**
Proposed Penalty: **\$3000.00**

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

29 CFR 1910.28(b)(11)(ii): Each flight of stairs having at least 3 treads and at least 4 risers was not equipped with stair rail systems and handrails as required in Table D-2 of this standard:

In that:

- a) the set of stairs located on the North end of the middle walkway in Cell Room #2 was not equipped with a stair rail on the two open sides.
- b) the top rail (right side descending) on the set of stairs from the Ore Room roof onto the Dust Collection system was missing a section.

Date By Which Violation Must be Abated: **April 15, 2019**
Proposed Penalty: **\$0.00**

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

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Citation and Notification of Penalty

Company Name: Prince Erachem LLC
Inspection Site: 795 Foote Lane New Johnsonville, TN 37134

29 CFR 1910.29(b)(2): Midrails, screens, mesh, intermediate vertical members, solid panels or equivalent intermediate members were not installed between the walking/working surface and the top edge of the guardrail system as follows when there is not a wall or a parapet that is at least 21 inches.

In that an approximately 8" section of the mid-rail located on the North end of Cell Room #4 was missing on the guard rail system

Date By Which Violation Must be Abated: **April 05, 2019**
Proposed Penalty: **\$3500.00**

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

29 CFR 1910.29(b)(3): Guardrail systems were not capable of withstanding, without failure, a force of at least 200 pounds applied in a downward or outward direction within 2 inches of the top edge, at any point along the top rail.

In that retractable belt stanchions were being used as a guard rail system on two sides of open/ uncovered cells in:

- a) Cell Room #1
- b) Cell Room #2

Date By Which Violation Must be Abated: **April 05, 2019**
Proposed Penalty: **\$0.00**

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

29 CFR 1910.146(k)(1)(iii)(A): Rescue services utilized did not have the capability to reach the victim(s) within a time frame that is appropriate for the permit space hazard(s) identified;

In that the local volunteer fire department was relied upon to provide rescue services during Permit Required Confined Space Entry at the site and due to the fire station not being manned; they could not reach the facility in a timely manner during entries made on the following days:

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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Citation and Notification of Penalty

Company Name: Prince Erachem LLC
Inspection Site: 795 Foote Lane New Johnsonville, TN 37134

- a) 5/9/18
- b) 5/22/18
- c) 6/27/18
- d) 7/18/18
- e) 7/25/18

<u>Date By Which Violation Must be Abated:</u>	<u>April 05, 2019</u>
<u>Proposed Penalty:</u>	<u>\$3500.00</u>

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

29 CFR 1910.212(a)(4): Barrels, containers, and drums. Revolving drums, barrels, and containers shall be guarded by an enclosure which is interlocked with the drive mechanism, so that the barrel, drum, or container cannot revolve unless the guard enclosure is in place.

In that the expanded metal guard(s) on the North and South side(s) of the furnace drums were hinged on one side and could be opened as the drum(s) continue to rotate on:

- a) Mill Furnace #1
- b) Mill Furnace #2
- c) Mill Furnace #3
- d) Mill Furnace #4
- e) Mill Furnace #5
- f) Mill Furnace #6

<u>Date By Which Violation Must be Abated:</u>	<u>April 05, 2019</u>
<u>Proposed Penalty:</u>	<u>\$3000.00</u>

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

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, when it was not located and arranged so that the purpose was evident:

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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Citation and Notification of Penalty

Company Name: Prince Erachem LLC
Inspection Site: 795 Foote Lane New Johnsonville, TN 37134

In that not all circuit breakers or feeder in the MEK area were marked as to what they controlled and were not arranged in a manner as to indicate what the item controlled.

Date By Which Violation Must be Abated: **April 05, 2019**
Proposed Penalty: **\$2500.00**

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

29 CFR 1910.303(g)(2)(i): Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by approved cabinets or other forms of approved enclosures, or other means listed under this provision:

In that the bus bars installed in Cell Room #1 with 220 volts of DC current, were not protected to prevent employee exposure when ascending or descending the steps.

Date By Which Violation Must be Abated: **April 05, 2019**
Proposed Penalty: **\$2500.00**

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

29 CFR 1910.305(a)(1)(i): Metal raceways, cable armor, and other metal enclosures for conductors were not connected to all boxes, fittings, and cabinets to provide effective electrical continuity:

In that conduit was not continuous, therefore exposing the conductors in:

- a) Cell Room #2, East aisle, North end, where the outlet box was found lying on the walkway
- b) Cell Room #2, East aisle, middle area, where the outlet box was found lying under the conveyor
- c) Cell Room #2, East aisle, middle area, where the outlet box was mounted to the wooden framework and conduit was broken away from the box
- d) Cell Room #1, West aisle, middle area, where the outlet box was mounted to the wooden framework and conduit was broken away from the box

Date By Which Violation Must be Abated: **April 05, 2019**

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Citation and Notification of Penalty

Company Name: Prince Erachem LLC
Inspection Site: 795 Foote Lane New Johnsonville, TN 37134

Proposed Penalty: **\$2500.00**

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

29 CFR 1910.305(j)(1)(iv): Fixtures installed in wet or damp locations were not approved for the purpose and were not so constructed or installed that water could not enter or accumulate in wireways, lampholders, or other electrical parts.

In that:

- a) the outlet box located in Cell Room #2, northern portion of the East aisle way, was not equipped with a cover on the bottom receptacle to prevent water from getting into the receptacle.
- b) the outlet box located in Cell Room #2, middle area of the East aisle way, was not equipped with a faceplate with receptacle covers to prevent water from getting into the receptacle.
- c) the outlet box located in Cell Room #1, West side aisle way, was not equipped with a faceplate with receptacle covers to prevent water from getting into the receptacle.
- d) the outlet box located in Cell Room #3, Northern portion of the East aisle way, was not equipped with outlet covers or receptacle covers to prevent water from getting into the receptacle.

Date By Which Violation Must be Abated: **April 05, 2019**
Proposed Penalty: **\$0.00**

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

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe condition(s) and the regulation(s) applicable to his work environment to control or eliminate any hazard(s) or other exposure to illness or injury.

In that the employees who had been working in the trench had not been provided with information and training on the recognition and avoidance of unsafe conditions involving trenches and excavations.

Date By Which Violation Must be Abated: **April 05, 2019**
Proposed Penalty: **\$3500.00**

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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Citation and Notification of Penalty

Company Name: Prince Erachem LLC
Inspection Site: 795 Foote Lane New Johnsonville, TN 37134

In that the open trench was not provided with adequate protective systems on the North or South wall.

Date By Which Violation Must be Abated: **April 05, 2019**
Proposed Penalty: **\$3500.00**

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

29 CFR 1926.1053(b)(1): Portable ladders were used for access to an upper landing surface and the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface to which the ladder was used to gain access.

In that the 6 foot A frame style ladder used for access/ egress of the trench site was only extended 1 feet above the ground level outside the trench.

Date By Which Violation Must be Abated: **April 05, 2019**
Proposed Penalty: **\$2500.00**

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

29 CFR 1926.1053(b)(4): Ladders were not being used for the purpose which they were designed.

In that the 6 foot A frame style ladder used for access/ egress of the trench site was propped up against the West side of the trench and not extended out to allow the spreader lock to hold the front and back sections in the open/ locked position.

Date By Which Violation Must be Abated: **April 05, 2019**
Proposed Penalty: **\$0.00**

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

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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Company Name: Prince Erachem LLC
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29 CFR 1926.1060(a): The employer did not provide a training program for each employee using ladders and stairways, as necessary, which would train each employee in the procedures to be followed to minimize hazards related to ladders and stairways:

In that employees using an A frame ladder for access/ egress in the trench had not been trained to recognize and minimize hazards related to the use of ladders.

Date By Which Violation Must be Abated: **April 05, 2019**
Proposed Penalty: **\$2500.00**

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

29 CFR 1910.22(a)(2): The floor of each workroom was not maintained in a clean and, to the extent feasible, in a dry condition. When wet processes are used, drainage was not maintained and, to the extent feasible, dry standing places, such as false floors, platforms, and mats were not provided.

In that water and/ or mud was located in the following areas resulting in slip hazards for the employees:

- a) 2nd floor of the Product Prep area
- b) roadway/ walkway on the South side of tank 701 in the Filter Building area
- c) underneath the Delta stacks located on the South side of the Filter Building area
- d) main aisle way of the 1st floor of the Filter Building
- e) walkway leading to the top of bin 105 of the Filter Building area
- f) on top of bin 105 of the Filter Building area
- g) floor of the Effluent office area
- h) platform on the North side of the Calciners outside the Ore Room area

Erachem Comilog, Inc., was previously cited for a violation of this OSHA standard or its equivalent standard 29CFR1910.22(a)(2), which was contained in TOSHA inspection number 317833317, Citation 1 Item 1 and was affirmed final order on February 9, 2015, with respect to the workplace located at 795 Foote Lane, New Johnsonville, TN 37134.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated: **April 05, 2019**
Proposed Penalty: **\$17500.00**

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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Company Name: Prince Erachem LLC
Inspection Site: 795 Foote Lane New Johnsonville, TN 37134

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

29 CFR 1910.28(b)(1)(i): The employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level was protected from falling by a guardrail system, safety net system, travel restraint system or personal fall arrest system.

- In that fall protection was not used to prevent employees from falling into:
- a) the open cell 252, in Cell Room #2 where the cell had been removed exposing employees to falls of 5' to the ground below.
 - b) open cells in Cell Room #1 where open cells were exposed on the end adjacent to the walk way.
 - c) open cells in Cell Rooms #1 and #2. The entire sides of the open cells were not protected where retractable belt stanchions were used.

Erachem Comilog, Inc., was previously cited for a violation of OSHA standard or its equivalent standard of 29CFR1910.23(c)(1), which was contained in TOSHA inspection number 317680296, Citation 1 Item 1 and was affirmed final order on May 18, 2014, with respect to the workplace located at 795 Foote Lane, New Johnsonville, TN 37134.

ABATEMENT VERIFICATION REQUIRED

<u>Date By Which Violation Must be Abated:</u>	<u>April 05, 2019</u>
<u>Proposed Penalty:</u>	<u>\$15000.00</u>

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms, service rooms and walking-working surfaces were not kept clean, orderly and in sanitary condition.

In that various materials (i.e. manganese ore, shot blast, water hoses) were found to be located on/ in the walking/ working surfaces resulting in slipping/ tripping hazards while employees were conducting their daily tasks:

- a) entire 1st floor of the Ore Room

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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- b) framework and walking/ working areas of the Calciners
- c) floor in the Shot blast area
- d) West aisle way in Cell Room #2
- e) East aisle way in Cell Room #3
- f) 2nd floor of the Product Prep
- g) 1st floor of the Filter building

Erachem Comilog Inc., was previously cited for a violation of this OSHA standard or its equivalent standard 29CFR1910.22(a)(1), which was contained in TOSHA inspection 317680296, Citation 2 Item 1 and was affirmed final order on May 18, 2014 and was also cited repeat which was contained in TOSHA inspection 317680288, Citation 2 Item 1 and was affirmed final order on May 20, 2014, with respect to the workplace located at 795 Foote Lane, New Johnsonville, TN 37134.

ABATEMENT VERIFICATION REQUIRED

<u>Date By Which Violation Must be Abated:</u>	<u>April 15, 2019</u>
<u>Proposed Penalty:</u>	<u>\$7500.00</u>

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

29 CFR 1910.22(a)(3): Walking - working surfaces were not maintained and kept free of hazards such as sharp or protruding objects, loose boards, corrosion, leaks, spills, snow and ice.

In that angle iron attached to the floor and being used as a means of containment in the Ore Room around the 6 mills created a tripping hazard.

<u>Date By Which Violation Must be Abated:</u>	<u>April 15, 2019</u>
<u>Proposed Penalty:</u>	<u>\$500.00</u>

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

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

State of Tennessee

Department of Labor and Workforce Development
220 French Landing Drive
Nashville, TN 37243
Phone: 615-741-2793 Fax: 615-253-1623

Inspection Number: 1349558
CSHO ID: J9133
Optional Report #: 066-2018
Inspection Date(s): 09/24/2018
Issuance Date: 03/21/2019



Citation and Notification of Penalty

Company Name: Prince Erachem LLC
Inspection Site: 795 Foote Lane New Johnsonville, TN 37134

29 CFR 1910.22(d)(1): Walking-working surfaces were not inspected, regularly and as necessary, and maintained in a safe condition;

In that:

- a) inspections of the walking/ working surfaces at the site were not being conducted.
- b) grass was grown up in the path and around the building where water samples are taken in the Effluent area.

<u>Date By Which Violation Must be Abated:</u>	<u>April 15, 2019</u>
<u>Proposed Penalty:</u>	<u>\$750.00</u>

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

29 CFR 1910.22(d)(2): Hazardous conditions on walking-working surfaces were not corrected or repaired before an employee uses the walking-working surface.

In that employees were allowed to continue using walking/ working surfaces where hazardous conditions existed, such as, but not limited to; walk ways with no fall protection in place, sloped walkways, mud/ water and ore dust, stairs with missing stair rails, stairs with riser heights not uniform.

<u>Date By Which Violation Must be Abated:</u>	<u>April 15, 2019</u>
<u>Proposed Penalty:</u>	<u>\$500.00</u>

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

29 CFR 1910.147(c)(4)(ii): The energy control procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, including, but not limited to items (a) through (d) of this section:

In that there were no machine specific procedures documented for use when performing servicing/ maintenance at the site (i.e. GDC dryer, Ore Mill Dryer/ Air Heater, Ore Mill Feed Hopper, Ore Mill).

<u>Date By Which Violation Must be Abated:</u>	<u>April 15, 2019</u>
<u>Proposed Penalty:</u>	<u>\$750.00</u>

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Citation and Notification of Penalty

Company Name: Prince Erachem LLC
Inspection Site: 795 Foote Lane New Johnsonville, TN 37134

Citation 4 Item 5 **Type of Violation: Other-than-Serious**

29 CFR 1910.303(b)(2): Listed or labeled equipment was not installed and used in accordance with any instructions included in the listing and labeling.

In that a metal box with pre-punched knockouts was being used as a pendant to provide a power source for hand tools used in the Maintenance Shop area at the facility.

Date By Which Violation Must be Abated: **April 15, 2019**
Proposed Penalty: **\$250.00**

Citation 4 Item 6 **Type of Violation: Other-than-Serious**

29 CFR 1910.305(b)(2)(i): All pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose; and each fitting in completed installations did not have a cover, faceplate, or fixture canopy:

In that an elbow cover was missing from the completed conduit installation:

- a) in the Product Prep second floor area
- b) in Cell Room #2 on the South end of the West aisle

Date By Which Violation Must be Abated: **April 05, 2019**
Proposed Penalty: **\$250.00**

Citation 4 Item 7 a **Type of Violation: Other-than-Serious**

TDLWD Rule 0800-01-03-.03(27)(a): The log of all work-related injuries and illnesses (OSHA Form 300), and/or the summary of work-related injuries and illnesses, (OSHA Form 300-A), and/or the injury and illness incident report (OSHA Form 301) or equivalent forms were not maintained by the establishment:

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Citation and Notification of Penalty

Company Name: Prince Erachem LLC
Inspection Site: 795 Foote Lane New Johnsonville, TN 37134

The employer did not maintain 301 forms for employees that had experienced standard threshold shifts in 2016 and 2017.

Date By Which Violation Must be Abated: **March 29, 2019**
Proposed Penalty: **\$1000.00**

Citation 4 Item 7 b **Type of Violation: Other-than-Serious**

TDLWD Rule 0800-01-03-.03(27)(b)1: The log of all recordable work-related injuries and illnesses was not completed in the detail as required by the rule.

In that the OSHA 300 log was not completed with the required detail in Column F for:

- a) 2015
- b) 2016
- c) 2018

Date By Which Violation Must be Abated: **April 15, 2019**
Proposed Penalty: **\$0.00**

Citation 4 Item 7 c **Type of Violation: Other-than-Serious**

TDLWD Rule 0800-01-03-.03(27)(b)3: Each recordable injury or illness was not entered on the OSHA 300 Log and/or an incident report (OSHA Form 301 or equivalent) within seven (7) calendar days of receiving information that a recordable injury or illness has occurred:

The employer did not record an injury within 7 calendar days of receiving information that a recordable injury has occurred.

In 2016 an employee experienced a standard threshold shift that was not recorded on the OSHA 300 Log.

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

State of Tennessee

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Citation and Notification of Penalty

Company Name: Prince Erachem LLC
Inspection Site: 795 Foote Lane New Johnsonville, TN 37134

In 2017 an employee experienced a standard threshold shift that was not recorded on the OSHA 300 Log.

Date By Which Violation Must be Abated: **April 25, 2019**
Proposed Penalty: **\$0.00**

Citation 4 Item 7 d **Type of Violation: Other-than-Serious**

TDLWD Rule 0800-01-03-.04(3)(b)3: The summary of work related illness/ injuries (OSHA 300A form or equivalent) was not properly certified.

In that the OSHA 300A was not certified for 2015.

Date By Which Violation Must be Abated: **April 15, 2019**
Proposed Penalty: **\$0.00**

Citation 4 Item 7 e **Type of Violation: Other-than-Serious**

TDLWD Rule 0800-01-03-.05(3)(a)2: TDLWD Rule 0800-01-03-.05(3)(a)2: An establishment that had 20 or more employees but fewer than 250 employees at any time during the previous calendar year, and classified in an industry listed in appendix A to 0800-01-03-.05 of this part, did not electronically submit information from the 2017 OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee by July 1, 2018.

In that the establishment did not electronically submit 2017 OSHA 300A information by July 1, 2018.

Date By Which Violation Must be Abated: **April 15, 2019**
Proposed Penalty: **\$0.00**

Steve Hawkins, Administrator
Division of Occupational Safety and Health

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**Citation and Notification of Penalty**

Company Name: Prince Erachem LLC
Inspection Site: 795 Foote Lane New Johnsonville, TN 37134

PENALTY NOTICE

PENALTY PAYMENT DUE

Pursuant to T.C.A. §§ 50-3-402 through 408 your company has been assessed a monetary penalty. To avoid the addition of interest and delinquent fees, payment of this penalty is due in full no later than thirty (30) calendar days from the date you received this Citation and Notification of Penalty unless a notice of contest is filed. Penalties should be paid by check or money order payable to "Treasurer State of Tennessee." Mail payment to the following address:

**State of Tennessee, Department of Labor and Workforce Development
Division of Occupational Safety and Health
Attn: Penalty Payments
220 French Landing Drive
Nashville, TN 37243-1002**

DELINQUENT FEES AND INTEREST

Pursuant to T.C.A. § 50-3-107 interest and delinquent fees will be assessed for all unpaid penalty amounts that are over thirty (30) calendar days from the date you received this Citation and Notification of Penalty.

Interest charges will be assessed every thirty (30) days, at an interest rate established pursuant to T.C.A. § 67-1-801(a)(1). In addition to the interest applied, a delinquent fee of ten percent (10%) will be assessed for each penalty unpaid at thirty (30), sixty (60), and ninety (90) days to a maximum of thirty percent (30%).

Unpaid penalties are referred to the Attorney General for collection at one hundred eighty (180) days past due.

State of Tennessee

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 220 French Landing Drive
 Nashville, TN 37243
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**Citation and Notification of Penalty**

Company Name: Prince Erachem LLC
Inspection Site: 795 Foote Lane New Johnsonville, TN 37134

SUMMARY OF PENALTIES FOR INSPECTION NUMBER 1349558

Citation 1 Item 1, Serious	\$3000.00
Citation 1 Item 2, Serious	\$3000.00
Citation 1 Item 3a, Serious	\$3000.00
Citation 1 Item 3b, Serious	\$0.00
Citation 1 Item 4a, Serious	\$3500.00
Citation 1 Item 4b, Serious	\$0.00
Citation 1 Item 5, Serious	\$3500.00
Citation 1 Item 6, Serious	\$3000.00
Citation 1 Item 7, Serious	\$2500.00
Citation 1 Item 8, Serious	\$2500.00
Citation 1 Item 9a, Serious	\$2500.00
Citation 1 Item 9b, Serious	\$0.00
Citation 1 Item 10, Serious	\$3500.00
Citation 1 Item 11, Serious	\$3500.00
Citation 1 Item 12, Serious	\$3500.00
Citation 1 Item 13, Serious	\$3500.00
Citation 1 Item 14a, Serious	\$2500.00
Citation 1 Item 14b, Serious	\$0.00
Citation 1 Item 15, Serious	\$2500.00
Citation 2 Item 1, Repeat-Serious	\$17500.00
Citation 2 Item 2, Repeat-Serious	\$15000.00
Citation 3 Item 1, Repeat-Other	\$7500.00
Citation 4 Item 1, Other-than-Serious	\$500.00
Citation 4 Item 2, Other-than-Serious	\$750.00
Citation 4 Item 3, Other-than-Serious	\$500.00
Citation 4 Item 4, Other-than-Serious	\$750.00
Citation 4 Item 5, Other-than-Serious	\$250.00
Citation 4 Item 6, Other-than-Serious	\$250.00
Citation 4 Item 7a, Other-than-Serious	\$1000.00
Citation 4 Item 7b, Other-than-Serious	\$0.00
Citation 4 Item 7c, Other-than-Serious	\$0.00
Citation 4 Item 7d, Other-than-Serious	\$0.00
Citation 4 Item 7e, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES:	\$89500.00

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Steve Hawkins, Administrator
Division of Occupational Safety and Health

Date