

**Este documento es muy importante. Si ud. No habla inglés,  
busque un traductor o llame al (267) 429-7542.**

**U.S. Department of Labor** Occupational Safety and Health Administration  
3477 Corporate Parkway Suite 120  
Center Valley, PA 18034  
Phone: (267) 429-7542 Fax: (267) 429-7567

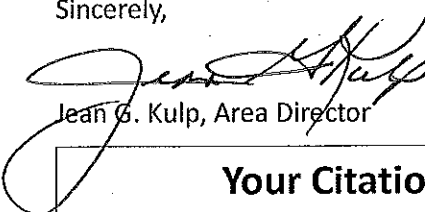


May 25, 2016

Dear Don Rives,

On 03/11/2016, an OSHA compliance officer met with you or your representative as part of an inspection at 110 N COMMERCE WAY Bethlehem, PA 18017. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

  
Jean G. Kulp, Area Director

**Your Citation Summary**  
**Ungerer & Company**  
**Inspection Number: 1133193**

**Total Amount Due: \$52400.00**  
**Payment Due Date: 15 working days**  
**after receipt of**  
**this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations : 10**  
**Your First Correction Deadline is: 6-5-16**

**Step 1 – Choose a Response**  
**Option and**  
**Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

**Option #1 – Discuss with OSHA**

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

**Option #2 – Correct and Pay**

I agree with the citation, penalties, and correction deadlines, and do not contest.

**Option #3 – Contest the Citation**

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

**Questions or Concerns?**

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (267) 429-7542.

## Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

### Option #1 – Discuss with OSHA

I will complete by:



1. Call: Jean G. Kulp, Area Director, at (267) 429-7542 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. **\*\*This meeting does NOT extend your 15 working day deadline to contest the citation.\*\***

☐ \_\_\_\_ / \_\_\_\_

2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

☐ \_\_\_\_ / \_\_\_\_

### Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

☐ \_\_\_\_ / \_\_\_\_

2. Pay the **Total Penalty** by using one of the following methods:  
**\*\*Include your Inspection Number (see first page) on the payment.\*\***

☐ \_\_\_\_ / \_\_\_\_

*Pay Online:* Search "OSHA" on [www.pay.gov](http://www.pay.gov) and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

*Pay by Check:* Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

### Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

☐ \_\_\_\_ / \_\_\_\_

## U.S. Department of Labor

Occupational Safety and Health Administration  
3477 Corporate Parkway  
Suite 120  
Center Valley, PA 18034  
Phone: 267-429-7542 Fax: 267-429-7567



### Citation and Notification of Penalty

**To:**

Ungerer & Company  
and its successors  
110 N COMMERCE WAY  
Bethlehem, PA 18017

**Inspection Number:** 1133193

**Inspection Date(s):** 03/11/2016 - 04/27/2016

**Issuance Date:** 05/25/2016

**Inspection Site:**

110 N COMMERCE WAY  
Bethlehem, PA 18017

*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](http://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](http://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 05/25/2016. The conference will be held by telephone or at the OSHA office located at 3477

Corporate Parkway, Suite 120, Center Valley, PA 18034 on \_\_\_\_\_ at

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1133193

Company Name: Ungerer & Company  
Inspection Site: 110 N COMMERCE WAY, Bethlehem, PA 18017  
Issuance Date: 05/25/2016

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, 3477 Corporate Parkway, Suite 120, Center Valley, PA 18034**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review



**Citation and Notification of Penalty**

**Company Name:** Ungerer & Company

**Inspection Site:** 110 N COMMERCE WAY, Bethlehem, PA 18017

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

29 CFR 1910.120(q)(1): The employer did not develop and implement an emergency response plan to handle anticipated emergencies prior to commencement of emergency response operations:

a) Distillation Room: An emergency response plan that included all anticipated emergencies at the facility was not developed or implemented exposing employees to hydrogen sulfide when they tried to control the reaction and release of vapors, on or about March 11, 2016.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/15/2016

Proposed Penalty:

\$7000.00



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

Inspection Number: 1133193  
Inspection Date(s): 03/11/2016 - 04/27/2016  
Issuance Date: 05/25/2016



**Citation and Notification of Penalty**

**Company Name:** Ungerer & Company  
**Inspection Site:** 110 N COMMERCE WAY, Bethlehem, PA 18017

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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 1910.1000(b)(2): Employee(s) were exposed to an airborne concentration of hydrogen sulfide listed in Table Z-2 in excess of the ceiling concentration of 20 parts per million (ppm):

a) Distillation Room: Employees were exposed to approximately 280 parts per million (ppm) hydrogen sulfide which is 14 times greater than the acceptable ceiling concentration of 20 ppm and approximately 5 times the acceptable maximum peak level of 50 ppm, on or about March 11, 2016.

No abatement certification or documentation required.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$7000.00

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



**Citation and Notification of Penalty**

**Company Name:** Ungerer & Company

**Inspection Site:** 110 N COMMERCE WAY, Bethlehem, PA 18017

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

29 CFR 1910.1000(e): Feasible administrative or engineering controls were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

a) Distillation Room: Employees were exposed to approximately 280 parts per million (ppm) hydrogen sulfide which is greater than the acceptable ceiling concentration and maximum peak level and appropriate feasible engineering controls were not implemented, on or about March 11, 2016.

Feasible abatement methods include but are not limited to:

1. Adequate scrubber system with appropriate maintenance.
2. A ventilation system that exhausts to the exterior of the facility.
3. Air gas detectors for appropriate gases such as but not limited to hydrogen sulfide and oxygen levels.

**ABATEMENT STEPS ARE AS FOLLOW:**

STEP 1 - As an interim measure, effective respiratory protection shall be provided to and used by exposed employees until feasible and/or administrative controls can be implemented or whenever such controls fail to reduce employee exposure to within permissible exposure limits.

STEP 2 - A written detailed plan of abatement shall be submitted to the Area Director outlining a schedule for the implementation of engineering and/or administrative measures to control employee exposures to hazardous substances as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with the dates required by this citation:

1. Evaluation of engineering control options;
2. Selection of optimum control method and completion of design;
3. Procurement, installation and operation of selected control measures;

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:** 1133193  
**Inspection Date(s):** 03/11/2016 - 04/27/2016  
**Issuance Date:** 05/25/2016



**Citation and Notification of Penalty**

**Company Name:** Ungerer & Company  
**Inspection Site:** 110 N COMMERCE WAY, Bethlehem, PA 18017

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**4. Testing and acceptance or modification/redesign of controls.**

Note: All proposed control measures shall be approved for each particular use by a competent industrial hygienist or other technically qualified person. Ninety- (90) day progress reports are required during the abatement period. (The 90 day requirement can be shortened or lengthened by the area director depending on the specific circumstances.)

STEP 3 - Abatement shall have been completed by the implementation of feasible engineering and/or administrative controls upon verification of their effectiveness in achieving compliance.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**Plan**06/30/2016  
**PPE**06/15/2016  
**Engineering Controls**08/29/2016

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/29/2016

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:** Ungerer & Company  
**Inspection Site:** 110 N COMMERCE WAY, Bethlehem, PA 18017

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

29 CFR 1910.134(a)(2): A respirator was not provided by the employer to each employee when such equipment was necessary to protect the health of the employee:

a) Distillation Room: Employees were exposed to approximately 280 parts per million (ppm) hydrogen sulfide which is greater than the acceptable ceiling concentration and maximum peak level and the employer did not provide the employees with an appropriate respirator, on or about March 11, 2016.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/15/2016

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

**Inspection Number:** 1133193  
**Inspection Date(s):** 03/11/2016 - 04/27/2016  
**Issuance Date:** 05/25/2016



**Citation and Notification of Penalty**

**Company Name:** Ungerer & Company  
**Inspection Site:** 110 N COMMERCE WAY, Bethlehem, PA 18017

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

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

29 CFR 1910.1200(g)(2): The chemical manufacturer or importer or employer preparing the safety data sheet did not ensure that it included the required headings and information in 29 CFR 1910.1200(g)(2)(i) through 29 CFR 1910.1200(g)(2)(xii):

- a) Facility wide: The safety data sheet prepared for Grill Flavor Liquid 5078 did not contain accurate information in Section 2, on or about March 11, 2016.
- b) Facility wide: The safety data sheet prepared for L-Cysteine HCL Monohydrate Natural K did not contain accurate information in Section 2, Section 3 and Section 5, on or about March 11, 2016.
- c) Facility wide: The safety data sheet prepared for Maltrin M-100 K did not contain accurate information in Section 2, Section 5, Section 7, and Section 10, on or about March 11, 2016.

Note: Safety data sheets should be corrected with accurate information, corrected safety data sheets shall be present in the facility and transmitted to all customers with the next shipment of the chemical.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states that employees and their representatives were informed of this abatement.

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**06/05/2016**  
**\$3400.00**

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: 1133193  
Inspection Date(s): 03/11/2016 - 04/27/2016  
Issuance Date: 05/25/2016



**Citation and Notification of Penalty**

**Company Name:** Ungerer & Company  
**Inspection Site:** 110 N COMMERCE WAY, Bethlehem, PA 18017

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**Citation 1 Item 3 b 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) Distillation Room: Safety data sheets are maintained electronically and during an emergency release of hydrogen sulfide, the safety data sheets were not immediately available, on or about March 11, 2016.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states that employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated:

06/15/2016

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:** Ungerer & Company  
**Inspection Site:** 110 N COMMERCE WAY, Bethlehem, PA 18017

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 1 a Type of Violation: Repeat**

29 CFR 1910.120(q)(6)(iii): Employees who participated as hazardous materials technicians, or were expected to participate as hazardous materials technicians, had not received at least 24 hours of training equal to the first responder operations level, and in addition have competency in the areas outlined in 29 CFR 1910.120(q)(6)(iii)(A) through (q)(6)(iii)(I) and/or the employer did not so certify:

a) Distillation Room: Employees who acted as hazardous materials technicians when they tried to control a reaction and stop the release of hydrogen sulfide vapors were not provided 24 hours of training as described in the standard, on or about March 11, 2016.

UNGERER & COMPANY WAS PREVIOUSLY CITED FOR A VIOLATION OF AN EQUIVALENT OCCUPATIONAL SAFETY AND HEALTH STANDARD 29 CFR 1910.120(q)(6) WHICH WAS INCLUDED IN INSPECTION NUMBER 909481, CITATION NUMBER 1, ITEM NUMBER 5, AND WAS AFFIRMED AS A FINAL ORDER ON AUGUST 2, 2013, WITH RESPECT TO A WORKPLACE LOCATED AT 110 N COMMERCE WAY, BETHLEHEM, PA.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	06/30/2016
Proposed Penalty:	\$35000.00

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:** Ungerer & Company  
**Inspection Site:** 110 N COMMERCE WAY, Bethlehem, PA 18017

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

29 CFR 1910.1200(h)(3)(i): The employee training did not include the methods and observations used to detect the presence or release of a hazardous chemical in the work area:

a) Distillation Room: Employees conducting reactions in the stills that could release hydrogen sulfide were not provided information about the methods and observations necessary to detect the presence or release of hazardous chemicals, on or about March 11, 2016.

UNGERER & COMPANY WAS PREVIOUSLY CITED FOR A VIOLATION OF AN EQUIVALENT OCCUPATIONAL SAFETY AND HEALTH STANDARD 29 CFR 1910.1200(h)(3)(iii) WHICH WAS INCLUDED IN INSPECTION NUMBER 909481, CITATION NUMBER 1, ITEM NUMBER 5, AND WAS AFFIRMED AS A FINAL ORDER ON AUGUST 2, 2013, WITH RESPECT TO A WORKPLACE LOCATED AT 110 N COMMERCE WAY, BETHLEHEM, PA.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/15/2016



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

Inspection Number: 1133193  
Inspection Date(s): 03/11/2016 - 04/27/2016  
Issuance Date: 05/25/2016



**Citation and Notification of Penalty**

**Company Name:** Ungerer & Company

**Inspection Site:** 110 N COMMERCE WAY, Bethlehem, PA 18017

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

29 CFR 1910.1200(h)(3)(ii): Employee training did not include the physical and health hazards of the chemicals in the work area:

a) Distillation Room: Employees conducting reactions that could release hydrogen sulfide were not provided information about the physical and health effects of the byproduct chemicals, on or about March 11, 2016.

UNGERER & COMPANY WAS PREVIOUSLY CITED FOR A VIOLATION OF AN EQUIVALENT OCCUPATIONAL SAFETY AND HEALTH STANDARD 29 CFR 1910.1200(h)(3)(iii) WHICH WAS INCLUDED IN INSPECTION NUMBER 909481, CITATION NUMBER 1, ITEM NUMBER 5, AND WAS AFFIRMED AS A FINAL ORDER ON AUGUST 2, 2013, WITH RESPECT TO A WORKPLACE LOCATED AT 110 N COMMERCE WAY, BETHLEHEM, PA.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/15/2016

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:** Ungerer & Company  
**Inspection Site:** 110 N COMMERCE WAY, Bethlehem, PA 18017

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

29 CFR 1910.1200(h)(3)(iii): Employee training did not include the measures employees can take to protect themselves from chemical hazards, including specific procedures the employer had implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures and personal protective equipment to be used:

a) Distillation Room: Employees conducting reactions in the stills that could release hydrogen sulfide were not provided information about the measures they could use to protect themselves from the byproduct chemicals including work practices, emergency procedures and personal protective equipment, on or about March 11, 2016.

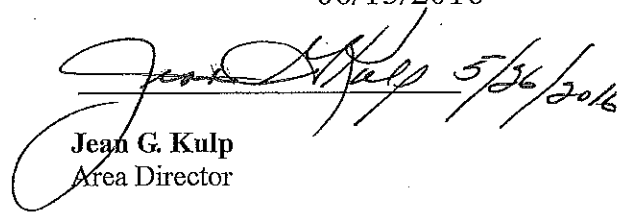
UNGERER & COMPANY WAS PREVIOUSLY CITED FOR A VIOLATION OF AN EQUIVALENT OCCUPATIONAL SAFETY AND HEALTH STANDARD 29 CFR 1910.1200(h)(3)(iii) WHICH WAS INCLUDED IN INSPECTION NUMBER 909481, CITATION NUMBER 1, ITEM NUMBER 5, AND WAS AFFIRMED AS A FINAL ORDER ON AUGUST 2, 2013, WITH RESPECT TO A WORKPLACE LOCATED AT 110 N COMMERCE WAY, BETHLEHEM, PA.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/15/2016

  
Jean G. Kulp  
Area Director

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

U.S. Department of Labor  
Occupational Safety and Health Administration  
3477 Corporate Parkway  
Suite 120  
Center Valley, PA 18034  
Phone: 267-429-7542 Fax: 267-429-7567



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Ungerer & Company  
**Inspection Site:** 110 N COMMERCE WAY, Bethlehem, PA 18017  
**Issuance Date:** 05/25/2016

<b>Summary of Penalties for Inspection Number</b>	<b>1133193</b>
<b>Citation 1, Serious</b>	<b>\$17400.00</b>
<b>Citation 2, Repeat</b>	<b>\$35000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$52400.00</b>

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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](http://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.

  
Jean G. Kulp  
Area Director

  
Date