

U.S. Department of Labor  
Occupational Safety and Health Administration  
Houston North Area Office  
507 N. Sam Houston Pkwy. E., Suite 400  
Houston, TX 77060-4007  
Phone: (281)591-2438 FAX: (281)999-7457



## Citation and Notification of Penalty

**To:**  
Boomerang Tube, LLC

and its successors  
422 HWY 90  
Liberty, TX 77575

**Inspection Site:**  
1100 FM 3661 Road  
Liberty, TX 77575

**Inspection Number:** 315610279  
**Inspection Date(s):** 06/14/2011 - 07/06/2011

**Issuance Date:** 12/14/2011

*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 enter into an Informal Settlement Agreement or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please read the following paragraphs 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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**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, call our office between 8:00 a.m. and 4:30 p.m. for an appointment, please complete, remove and post the page 4 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 attached Invoice/Debt Collection Notice for details of the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

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

**Notification of Corrective Action** - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. Attached are is a fill-in-the blank form letter for your use to assist you in meeting this requirement.

**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.

**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.

**Abatement Methods** - The employer is not limited to abatement methods suggested by OSHA; i.e., methods explained are general and may not be effective in all cases. Other methods of abatement may be equally or more appropriate. Ultimate responsibility for determining the most appropriate method rest with the employer, given its superior knowledge of the specific conditions at its worksite.

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, but no sooner than 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at <http://www.osha.gov>. If you have any dispute with the accuracy of the information displayed, please contact this office.

**Abatement Verification** - PLEASE FILL IN ABATEMENT/CORRECTION METHOD INCLUDING DATE COMPLETED FOR EACH ITEM CITED AND RETURN TO THE AREA DIRECTOR. OSHA STANDARDS REQUIRE CERTIFICATION AND/OR DOCUMENTATION FOR EACH CITED ITEM. Abatement certification is the employer's statement to OSHA that a violation has been corrected. The certification also describes the date and method of abatement and states that employees and their representatives have been informed of the abatement. Abatement documentation is evidence submitted by the employer that demonstrates that abatement is complete. The evidence will usually be photographic pictures of the abatement, receipts or work orders or other paper evidence of abatement actions taken. Abatement certification responses are due within three (3) working days after each abatement date. ANOTHER CITATION WITH MONETARY PENALTY CAN BE ISSUED IF YOU DO NOT PROVIDE CERTIFICATION AND/OR DOCUMENTATION OF ABATEMENT.

When the item indicates **CORRECTED DURING INSPECTION**, the compliance officer witnessed the abatement/correction during the inspection, and no certification is required.

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, but not sooner than 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at <http://www.osha.gov>. If you have any dispute with the accuracy of the information displayed, please contact this office.

Corrective Action Verification

Dear Sir:

OSHA's inspections are intended to result in the abatement/correction of violations of the OSHA Act. To verify that this has been accomplished, Section 1903.19 requires that an employer certify to OSHA, within ten (10) days of the final abatement date that each item cited has been corrected.

This abatement certification letter must include the following:

- \*Name of Employer
- \*OSHA Inspection Number
- \*Citation and Item Numbers to which the submission relates
- \*The date each item was abated, specific action taken to abate each violation and appropriate documentation for the action taken. Where appropriate, this protective equipment provided, standard operation procedures, copies of written programs, engineering controls, monitoring data, ect.

\* Following is a sample format that may be used for this submittal:

Name of Employer

**Citation No:    Item No:    Date Item Abated:    Corrective Action Taken:**

Date this letter of submission posted \_\_\_\_\_

I certify that the information submitted is correct.

\_\_\_\_\_  
Employer or Authorized Representative



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 12/14/2011. The conference will be held at the OSHA office located at Houston North Area Office, 507 N. Sam Houston Pkwy. E., Suite 400, Houston, TX, 77060-4007 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



**Citation and Notification of Penalty**

**Company Name:** Boomerang Tube, LLC  
**Inspection Site:** 1100 FM 3661 Road, Liberty, TX 77575

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish to each of his employees a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to the hazard of being struck by-crane loads.

On or about June 14, 2011, and times prior thereto, in the production facility, employees were exposed to being struck-by crane loads that were being lifted and suspended by hooks that have defective or missing latches.

Among other feasible methods to correct the identified hazard, one method would be to remove the hooks from use or ensure that hooks have properly functioning latches per ASME B30.10 - 2009 Hooks, Paragraph 10-1.10.5(i)

- a. Conco 25 ton overhead crane - broken hook latch
- b. Overhead crane at Mill 1 Straightner - missing hook latch
- c. Overhead crane at Quench and Temp area - defective hook latch

Date By Which Violation Must be Abated: 12/18/2011  
Proposed Penalty: \$ 7000.00

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



**Citation and Notification of Penalty**

**Company Name:** Boomerang Tube, LLC  
**Inspection Site:** 1100 FM 3661 Road, Liberty, TX 77575

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

29 CFR 1910.22(b)(1): Aisle(s) or passageway(s) were not kept clear and in good repair, with no obstruction(s) across or in aisles that could create a hazard:

East side of Quench and Temp area; this violation occurred on or about June 14, 2011, and times prior thereto, electrical conduit extended into the aisle way near the bottom of a fixed staircase in the Quench and Temp area. This condition exposes the employees to a trip hazard.

Date By Which Violation Must be Abated: 12/18/2011  
Proposed Penalty: \$ 5000.00

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

29 CFR 1910.23(a)(5): Infrequently used pit or trap door floor opening(s) were not guarded by floor opening covers of standard strength and construction:

Tuboscope Area- Mill 2; this violation occurred on or about June 14, 2011, and times prior thereto, employees were walking and working around an open and unguarded pit near the Tuboscope Machine. This condition exposed employees to a fall hazard.

Date By Which Violation Must be Abated: 12/18/2011  
Proposed Penalty: \$ 3000.00

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



**Citation and Notification of Penalty**

**Company Name:** Boomerang Tube, LLC  
**Inspection Site:** 1100 FM 3661 Road, Liberty, TX 77575

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

29 CFR 1910.95(d)(1): A representative monitoring program was not developed and implemented when information indicated that an employee's exposure may equal or exceed an 8 hour time weighted average of 85 DBA:

At the facility, on or about June 14, 2011, and times prior there to, a monitoring program was not developed and implemented for employees when the employer had information that indicated employees may be exposed to noise levels at or above an 8 hour time weighted average of 85 decibels exposing employees to the hazards of hearing loss.

**Date By Which Violation Must be Abated:** Corrected During Inspection  
**Proposed Penalty:** \$ 5000.00

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

29 CFR 1910.157(c)(4): The employer did not assure that portable fire extinguishers were maintained in a fully charged and operable condition or kept in their designated place at all times except during use.

Slitter Area and Quench Temp Area; this violation occurred on or about June 14, 2011, and times prior thereto, the employer did not maintain the Amerex portable fire extinguishers in the workplace that were fully charged and operable. These conditions exposed employees to fire hazards.

**Date By Which Violation Must be Abated:** 12/18/2011  
**Proposed Penalty:** \$ 3000.00

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



**Citation and Notification of Penalty**

**Company Name:** Boomerang Tube, LLC  
**Inspection Site:** 1100 FM 3661 Road, Liberty, TX 77575

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

29 CFR 1910.176(b): Storage of materials created a hazard:

The employer does secure steel coils against movement or collapse.

(a) This violation occurred on or about June 14, 2011 and times prior thereto, employees were walking and working in indoor areas of the facility around and between steel coils stored at the facility that were not secured against movement or collapse. This condition exposed employees to struck-by and caught-between hazards.

(b) This violation occurred on or about June 14, 2011 and times prior thereto, employees were walking in the outdoor coil storage yard around and between steel coils which were not secured against movement or collapse. This condition exposed employees to struck-by and caught-between hazards.

**Date By Which Violation Must be Abated:** 12/18/2011  
**Proposed Penalty:** \$ 7000.00

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



**Citation and Notification of Penalty**

Company Name: Boomerang Tube, LLC  
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The following alleged violations have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.178(n)(6): The driver was not required to look in the direction of and keep a clear view of the path of travel.

Yard area; this violation occurred on or about June 14, 2011, and times prior thereto, forklift operators used CAT 972 Wheel Loader trucks to transport pipe throughout the yard. Due to the weight of the pipe, operators must travel with the load elevated, obstructing their view of the path of travel or the back wheels would come off the ground. This condition exposed employees to struck-by and crushed-by hazards.

Date By Which Violation Must be Abated: 12/18/2011  
Proposed Penalty: \$ 7000.00

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

29 CFR 1910.178(n)(7)(iii): On all grades the load and load engaging means were not tilted back if applicable, and raised only as far as necessary to clear the road surface:

Yard area; this violation occurred on or about June 14, 2011 and times prior thereto, forklift operators use rough terrain forklifts to transport pipe throughout the yard. Operators travel with the load elevated, obstructing the path of travel. This condition exposes employees to struck-by and crushed-by hazards.

Date By Which Violation Must be Abated: 12/18/2011

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



**Citation and Notification of Penalty**

**Company Name:** Boomerang Tube, LLC  
**Inspection Site:** 1100 FM 3661 Road, Liberty, TX 77575

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

29 CFR 1910.184(i)(1): Synthetic web sling(s) were not marked or coded to show rated capacities for each type of hitch and type of synthetic web material:

Slitter Area; on or about June 14, 2011, and times prior thereto, employees were using a synthetic sling to lift and transport cutter knife blades. The rated capacity tag was worn, making it unreadable. This condition exposed the employees to struck-by hazards.

**Date By Which Violation Must be Abated:** 12/18/2011  
**Proposed Penalty:** \$ 5000.00

**Citation 1 Item 9 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:

Conveyor M2-CO2 on Mill 2; this violation occurred on or about June 14, 2011, and times prior thereto, live electrical wires extending out from conduit were found under the pipe conveyor. The electrical wires had been detached from 3 malfunctioning conveyor motors. This condition exposed employees to electrical hazards.

**Date By Which Violation Must be Abated:** 12/18/2011  
**Proposed Penalty:** \$ 5000.00

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



**Citation and Notification of Penalty**

**Company Name:** Boomerang Tube, LLC  
**Inspection Site:** 1100 FM 3661 Road, Liberty, TX 77575

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish to each of his employees a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that an employee was exposed to the hazard of electrocution.

On or about June 14, 2011, in the Quench and Temp area near the Hydrotest unit, an employee was directed to use a crane that had been removed from service. The crane was removed from service because the pendant control was damaged and shocking employees during use and the electrical cord that supplied power to the crane was dislodged from its track and laying on the ground.

Among other methods, one feasible and acceptable method for abatement is to discontinue use of the crane until adjustments, repairs, or replacements can be made per ASME B30.11 - 2010 Monorails and Underhung Cranes, Paragraph 11-4.2.4(a).

**IN THE ALTERNATIVE:**

29 CFR 1910.303(b)(7)(iv): Damaged parts were used that may adversely affect safe operation or mechanical strength of the equipment such as parts that were broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating.

On or about June 14, 2011, in the Quench and Temp area near the Hydrotest unit, an employee was directed to use a crane that had been removed from service. The crane was removed from service because the pendant control was damaged and shocking employees during use and the electrical cord that supplied power to the crane was dislodged from its track and laying on the ground.

**Date By Which Violation Must be Abated:** 12/18/2011  
**Proposed Penalty:** \$ 70000.00



**Citation and Notification of Penalty**

**Company Name:** Boomerang Tube, LLC  
**Inspection Site:** 1100 FM 3661 Road, Liberty, TX 77575

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

29 CFR 1910.23(c)(1): Open platform(s) 4 feet or more above the adjacent floor or ground level were not guarded by standard railings (or the equivalent as specified in 29 CFR 1910.23(e)(3)(i) through (v), on all open sides.:

Slitter Area; this violation occurred on or about June 14, 2011, and times prior thereto, employees who were required to work on open platforms on and around various machinery were not protected from falls. These conditions exposed employees to fall hazards.

- a. Coil car loading area. Employees were exposed to a fall of 5 feet 4 inches from the platform.
- b. Coil cart pit. Employees were exposed to a fall of 5 feet 10 inches into a pit.
- c. Looping pit conveyor table. Employees were exposed to falls of 8 feet and 5 feet 1 inch.

**Date By Which Violation Must be Abated:** 12/18/2011  
**Proposed Penalty:** \$ 70000.00

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



**Citation and Notification of Penalty**

**Company Name:** Boomerang Tube, LLC  
**Inspection Site:** 1100 FM 3661 Road, Liberty, TX 77575

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

Manufacturing Facility; this violation occurred on or about June 14, 2011, and times prior thereto, the employer did not develop procedures for the control of potentially hazardous energy when employees were performing servicing and/or maintenance on machines or equipment in the following manufacturing areas.

a: Zone 1 includes all equipment in the following manufacturing areas: Slitter Line, Mill 1 & 2 - Entry, Nakata Mill, Abbey Mill, Flushout, Straighteners, Bevellers, Testers, EMI Inspection, and Maintenance Shop. Employees are exposed to electric, struck-by, caught by hazards from pneumatic, hydraulic, mechanical and thermo energy sources.

b: Zone 2 includes all equipment in the following manufacturing areas: Upper 1 & 2, PMC Mill 1 & 2, MoriSeki Mill 1 & 2, CSO Mill 1 & 2, Peckomat Mill 1 & 2, and WMS Mill 1 & 2. Employees are exposed to electric, struck-by, caught by hazards from pneumatic, hydraulic, mechanical and thermo energy sources.

c: Zone 3 includes all equipment in the following manufacturing areas: Conveyors (tables, kick arms, and buck arms), Quench and Temp, Cooling Tables, Quench and Temp Straightener, and Bronx Tester. Employees are exposed to electric, struck-by, caught by hazards from pneumatic, hydraulic, mechanical and thermo energy sources.

**Date By Which Violation Must be Abated:** 12/18/2011  
**Proposed Penalty:** \$ 70000.00

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



**Citation and Notification of Penalty**

**Company Name:** Boomerang Tube, LLC  
**Inspection Site:** 1100 FM 3661 Road, Liberty, TX 77575

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

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

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

(a) This violation occurred on or about June 14, 2011, and times prior thereto, in the Braner Slitter Line Area and Kent Entry Line Areas where employees were working in the area of unguarded moving coil carts, tail whipping steel coils, vertical and horizontal moving rollers, hydraulic tables, and peelers, moving steel coil sheeting, and a turnstile coil horn. These conditions exposed employees to struck-by and caught-between hazards.

(b) This violation occurred on or about June 14, 2011, and times prior thereto, in the Mill Lines 1 and 2 Areas where employees were working in the area of unguarded motor propelled rollers, moving pipe, moving drift units, gravity propelled tables, moving mill flying pipe cutoff units, various hydraulic conveyor arms including, but not limited to kicker and bucking arms. These conditions exposed employees to struck-by and caught-between hazards.

(c) This violation occurred on or about June 14, 2011, and times prior thereto, in the Thread and Finishing Lines 1 & 2 Areas where employees were working in the area of spinning threaders, moving and spinning pipes, thermo induction heated pipe. These conditions exposed employees to struck-by and caught-between hazards.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that an assessment for identifying sources of hazards is conducted in accordance with American National Standards Institute (ANSI) B11.18-1997, sub clause 4.5.2, and that all identified hazards are controlled by appropriate guarding.

**Date By Which Violation Must be Abated:** 12/18/2011  
**Proposed Penalty:** \$ 70000.00

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



**Citation and Notification of Penalty**

**Company Name:** Boomerang Tube, LLC  
**Inspection Site:** 1100 FM 3661 Road, Liberty, TX 77575

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

29 CFR 1910.212(a)(3)(ii): The point of operation of machines whose operation exposes employees to injury, was not guarded.

The employer does not provide machine guarding for the point of operation of machines to protect the employees from injury.

(a) This violation was observed on or about June 14, 2011, and times prior thereto, in the Braner Loop Co. Slitter Line Area where employees were working within the point of operation of the slitter knives which were not guarded to protect the employees from injury. These conditions exposed employees to struck-by and caught-between hazards.

(b) This violation was observed on or about June 14, 2011, and times prior thereto, in the Mill Lines 1 and 2 Areas where employees were working within the point of operation of a mill welding unit and weld bead removal unit (scarfing unit) which were not guarded to protect the employees from injury. These conditions exposed employees to struck-by, caught-between.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that an assessment for identifying sources of hazards is conducted in accordance with American National Standards Institute (ANSI) B11.18-1997, sub clause 4.5.2, and that all identified hazards are controlled by appropriate guarding.

**Date By Which Violation Must be Abated:** 12/18/2011  
**Proposed Penalty:** \$ 70000.00

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



**Citation and Notification of Penalty**

**Company Name:** Boomerang Tube, LLC  
**Inspection Site:** 1100 FM 3661 Road, Liberty, TX 77575

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

29 CFR 1910.219(c)(2)(i): Exposed part(s) of horizontal shafting were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

The employer does not protect exposed parts of horizontal shafting with stationary casing that completely encloses shafting or with troughs enclosing sides and top or sides and bottom of shafting.

(a) This violation occurred on or about June 14, 2011, and times prior thereto, at the Bronx Straightener on Mill 2 where a Straightener shaft was not guarded.

(b) This violation was occurred on or about June 14, 2011, and times prior thereto, at the Bronx Straightener on Mill 1 where Straightener shafts were not guarded.

These conditions expose employees to a caught-by hazard.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that an assessment for identifying sources of hazards is conducted in accordance with American National Standards Institute (ANSI) B11.18-1997, subclause 4.5.2, and that all identified hazards are controlled by appropriate guarding.

**Date By Which Violation Must be Abated:** 12/22/2011  
**Proposed Penalty:** \$ 70000.00

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



**Citation and Notification of Penalty**

**Company Name:** Boomerang Tube, LLC  
**Inspection Site:** 1100 FM 3661 Road, Liberty, TX 77575

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

29 CFR 1904.32(b)(3): The Summary of Work-Related Injuries and Illnesses (OSHA Form 300A or equivalent) was not properly certified.

At the facility the OSHA 300 Annual Summary for calendar year 2010 was certified by a company executive to ensure that the log was complete and accurate.

Date By Which Violation Must be Abated: 12/18/2011  
Proposed Penalty: \$ 1000.00

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David A. Doucet  
Area Director

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See pages 1 through ? 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  
Houston North Area Office  
507 N. Sam Houston Pkwy. E., Suite 400  
Houston, TX 77060-4007  
Phone: (281)591-2438 FAX: (281)999-7457



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Boomerang Tube, LLC  
**Inspection Site:** 1100 FM 3661 Road, Liberty, TX 77575  
**Issuance Date:** 12/14/2011

**Summary of Penalties for Inspection Number 315610279**

<b>Citation 1, Serious</b>	= \$	<b>47000.00</b>
<b>Citation 2, Willful</b>	= \$	<b>420000.00</b>
<b>Citation 3, Other</b>	= \$	<b>1000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>468000.00</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 or the amounts agreed to in an Informal Settlement Agreement following an Informal Conference. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions put on any check or money order 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 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.

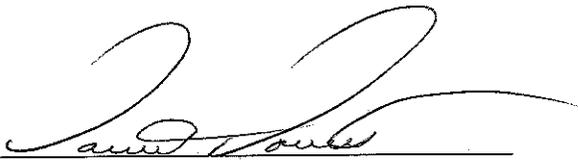
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts 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 four percent (4%). 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 second and subsequent demand letters sent in an attempt to collect the unpaid debt. Costs will not be assessed for first demand letters and payment default letters.



David A. Doucet  
Area Director

12/14/2011  
Date