

1988 OSHA ALGC
COMPOUND

NGC 14146

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

Citation and Notification of Penalty
U.S. Department of Labor - OSHA
Room 734 - Federal Office Building
4 North Summit Street
Toledo, OH 43604

3. Issuance Date 07/18/88	4. Inspection Number 101328144
5. Reporting ID 0524700	6. CSHO ID M5727
7. Optional Report No. 799	8. Page No. 1 of 3

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

10. Inspection Date(s):

5/11/88 - 6/23/88

1. Type of Violation(s)	2. Citation Number
Serious	01

11. Inspection Site:

Walker Road
Avon Lake, OH 44012

9. To:

B. F. Goodrich - Avon Lake General Chemical Plant
and its successors
P. O. Box 134
Avon Lake, OH 44012

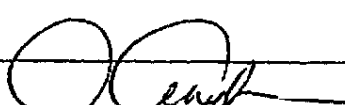
THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

This Citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must abate the violations referred to in this Citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your rights and responsibilities and should be read in conjunction with this form.) You are further notified that unless you inform the Area Director in writing that you intend to contest the Citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. 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 the Citation is affirmed by the Review Commission.

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. P
1	29 CFR 1910.22(a)(1):	Places of employment were not kept clean and orderly, or in a sanitary condition: Prior to May 9, 1988, on the fourth floor of Building 441 where employees dumped materials from bags into bins and where materials were transferred into bins by means of pneumatic ducts from below and where there was the potential for the evolution of an explosive mixture of powdered material with the air, floors, and other surfaces were not kept free of accumulations of dusts and powders of combustible materials by means of a program of regular, routine cleaning in addition to the prompt clean up of spills and leaks.	Immediately Upon Receipt	9

NGC 14147

17. Area Director
Arnis Andersons



18. Last

NOTICE TO EMPLOYEES — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he 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 within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and penalty.

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 has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

EMPLOYER RIGHTS AND RESPONSIBILITIES — The enclosed booklet outlines employer rights and responsibilities and should be read in conjunction with this notification.

ORIGINAL

OSHA-2 (Rev. 1/88)

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



Citation and Notification of Penalty
U.S. Department of Labor - OSHA
Room 734 - Federal Office Building
North Summit Street
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3. Issuance Date 07/18/88	4. Inspection Number 101328144
5. Reporting ID 0524700	6. CSHO ID M6727
7. Optional Report No. 799	8. Page No. 2 of 3

10. Inspection Date(s):

5/11/88 - 6/23/88

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12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Pen
1	29 CFR 1910.178(c)(2)(vi)(a):	Powered industrial trucks other than roved trucks designated as "EX" were used in atmospheres in which combustible dust could be in suspension continuously, intermittently, or periodically under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures, or where mechanical failure or abnormal operation of machinery or equipment might cause such mixtures to be produced: Prior to May 9, 1988, on the fourth floor of Building 441 where employees dump materials from bags into bins and where materials are transferred into bins by means of pneumatic ducts from below and where there was the potential for the evolution of an explosive mixture of powdered material with the air, a Crown powered industrial truck (SAN H38CS-2) designated "E" was being used to move pallets of material into the area.	08/22/88	90

17. Area Director
Arnis Andersons

18. Post

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



Citation and Notification of Penalty

U.S. Department of Labor - OSHA
Room 734 - Federal Office Building
204 North Summit Street
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12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalties
3	FR 1910.307(b): Equipment, wiring methods, and installations of equipment in hazardous (classified) locations were not intrinsically safe, or approved for the hazardous (classified) location, or safe for the hazardous (classified) location:	Prior to May 9, 1988, on the fourth floor of Building 441 where employees dump materials from bags into bins and where materials are transferred into bins by means of pneumatic ducts from below and where there was the potential for the evolution of an explosive mixture of powdered materials with air, electrical equipment including a General Electric and DEL 5KS 182 BS blow motor and the fluorescent lighting was not suitable for a Class II Division 1 location.	08/22/88	90

NGC 14149

17. Area Director

Arnis Andersons

18. \$ 270

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TO: U.S. SAFETY ENGINEERS

FROM: H. WALTEMADE

DATE: 8/16/88

REVISION

ALGC OSHA CITATION

There have been several changes made in the attached memo. I am sorry for any inconvenience if you already read the first memo mailed.


Herm Waltemate

HW/kp
2335j

Attachment

NGC 14150

TO: U.S. SAFETY ENGINEERS

FROM: H. WALTEMATE

DATE: 8/16/88

REVISION

ALGC OSHA CITATION

Attached for your information are copies of the ALGC OSHA citation and a letter of agreement. The citations were a result of the explosion which occurred in compounding on May 9, 1988. The citation is listed as Serious with a \$2,700 total penalty. The citation contains three items as follows:

1. 1910.22(a)(1) Housekeeping conditions in building 441 prior to May 9.
2. 1910.178(c)(2)(vi)(a) The lift truck utilized on the fourth floor of building 441 was designated as "E" and a type "EX" is required.
3. 1910.307(b) The electrical service in the fourth floor of building 441 was not suitable for a Class II Division 1 area.

Through an informal conference with the OSHA Area Director, a letter of agreement was obtained. In this agreement, abatement can be met by changing the electrical system to a Class I Division 2 service if conditions warrant. Provide a Type "EE" lift truck in the fourth floor of building 441.

These citations have an impact on all other BFG locations. A violation of the same standards at another location would be considered a willful violation with a maximum penalty of \$10,000. At ALGC and ALTC a violation of the same standards would be considered a repeat violation with a maximum penalty of \$10,000.

To avoid a willful or repeat citation, all locations need to take the following action:

1. Housekeeping must be kept clean and orderly.
2. Forklifts which are operated in Class II Division 2 areas must be a "DY", "EE" or "EX" type.
3. The electrical service in areas where combustible dusts are handled must be suitable for Class II Division 2 conditions. (For compounding operations with PVC conduit in these areas, a variance needs to be submitted to OSHA. BFG is planning to

- 2 -

work with authorities and have PVC conduit accepted by the National Electrical Code for use in Class II Division 2 Areas.)

Please call me if you have any questions.

Herm Waltemate/kp
Herm Waltemate

HW/kp
2335j

Attachment

cc: U.S. Plant Managers
G. F. Krcmar
W. C. Niederst
G. Jones/G. Rutman
R. Mather/R. Kaminski
R. Reitz/H. Calsing


NGC 14152

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U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
234 N. SUMMIT STREET, ROOM 734
TOLEDO, OHIO 43604
TELE: (419) 259-7542

Aug 1 1988

B. F. Goodrich - Avon Lake General Chemical Plant
P. O. Box 134
Avon Lake, OH 44012

Dear Mr. Horton:

As a result of discussions between representatives of OSHA and you or your representatives concerning the OSHA inspection of your establishment, Inspection Number 101328144, conducted on 5/11/88, the parties have reached a tentative agreement resolving disputed citations, penalties and abatement dates.

You have indicated that you are willing to sign the settlement agreement we reached verbally on July 27, 1988. Attached to this letter is a written document reflecting the agreement. The document has been signed and dated by the Area Director and requires the signature of an authorized company official to make the agreement binding upon the company. The agreement must be signed on or before August 10, 1988, which is the last day of the 15 working day contest period, provided for by the Occupational Safety and Health Act.

If you agree with the terms as set forth, please sign the agreement, without change, date it and return it to the Area Office. Any change will render the document invalid unless such change is accepted by the Area Director before the date of final order.

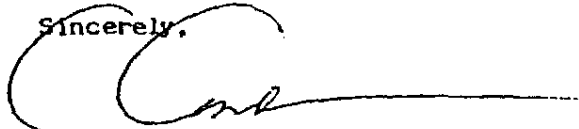
If, after further consideration, you decide not to sign to proposed settlement agreement, the citations, penalties and abatement dates as previously issued will become a final and unappealable order unless you file, before the date of the final order, a written notice of your intent to contest the citations and penalties formally before the Occupational Safety and Health Review Commission.

Please note that any notice of intent to contest must be in writing. Any oral statements of dissatisfaction with the citations or penalties which you may have expressed to OSHA personnel do not constitute a formal notice of contest.

NGC 14153

If you have any questions regarding any of the matters discussed in this letter, please contact me at your earliest convenience.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Arnis Andersons', with a long horizontal flourish extending to the right.

Arnis Andersons
Area Director

U.S. DEPARTMENT OF LABOR

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

In the Matter of: *B.F. Goodrich - Avon Lake General Chemical Plant*

OSHA No. (s): *101328144*

INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties which were issued on *7/18/88*, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citation(s) or as amended below. ****SEE ATTACHMENT**
2. The Employer agrees to pay the proposed penalties, if any, as issued with the above citation(s), or, if amended by this agreement, as amended below.
3. The Employer and OSHA agree that the following citations and penalties (if any) are not being amended by this agreement:

NA

4. OSHA agrees that the following citations and penalties are being amended as shown (see attachment):

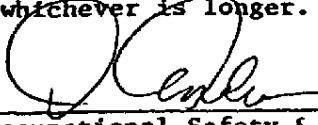
CITATION 1

5. In consideration of the foregoing amendment(s) and/or modification(s) to the citation(s), the Employer hereby waives its right to contest said citation(s) pursuant to section 10(c) of the Occupational Safety and Health Act of 1970.
6. None of the foregoing agreements, statements, stipulations, and actions taken by the respondent shall be deemed an admission by respondent of the allegations contained within the citations and notifications of penalty herein. The agreements, statements, stipulations, findings and actions taken herein are made solely for the purpose of settling this matter economically and amicably and they shall not be used for any purpose, except for proceedings and matters arising under the Occupational Safety and Health Act.

NGC 14155

7. The Employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in paragraphs three and four above. The Settlement Agreement must remain posted until the violation(s) cited have been corrected, or for three working days (excluding weekends and federal holidays), whichever is longer.

For the Employer



Occupational Safety & Health Admin.
Arnis Andersons, Area Director

Date

Attachment(s):

NGC 14156

ATTACHMENT

The employer will comply with citation one item two and three by taking appropriate corrective measures such that the areas of concern meet and continue to meet the definition of a Class II Division 2 location. The equipment, wiring methods and installation of equipment in the hazardous location is to be such that it is acceptable by the standards for use in this hazardous location. That includes, in these designated hazardous areas, the use of powered industrial trucks that are approved for use in a Class II Division 2 location.

NGC 14157