

U.S. Department of Labor Occupational Safety and Health Administration
17625 El Camino Real,
Suite 400
Houston, TX 77058
Phone: 281-286-0583 Fax: 281-286-6352



08/24/2017

German Pellets Texas, LLC
164 County Road 1040
Woodville, TX 75979

Dear Employer,

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 2015, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me 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. This information will allow us to close the case.

As indicated on page 6 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark R. Briggs", written in a cursive style.

Mark R. Briggs
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
17625 El Camino Real
Suite 400
Houston, TX 77058
Phone: 281-286-0583 Fax: 281-286-6352



Citation and Notification of Penalty

To:
German Pellets Texas, LLC
and its successors
164 County Road 1040
Woodville, TX 75979

Inspection Number: 1228867
Inspection Date(s): 04/28/2017 - 08/18/2017
Issuance Date: 08/24/2017

Inspection Site:
498-A West Lakeshore Dr.
Port Arthur, TX 77640

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

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$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. 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 08/24/2017. The conference will be held by telephone or at the OSHA office located at 17625

El Camino Real, Suite 400, Houston, TX 77058 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1228867

Company Name: German Pellets Texas, LLC
Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640
Issuance Date: 08/24/2017

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, 17625 El Camino Real, Suite 400, Houston, TX 77058**

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: German Pellets Texas, LLC
Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640

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 1 a Type of Violation: **Serious**

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace, including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminant's chemical state and physical form:

a) At the facility, in Silos 1 and 2: On February 26, 2017 and times thereafter, the employer did not reasonably estimate employee exposure to wood dust, a particle not otherwise regulated (PNOR), when employees were reclaiming wood pellets inside of silos.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/20/2017
Proposed Penalty:	\$6972.00

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

Inspection Number: 1228867
Inspection Date(s): 04/28/2017 - 08/18/2017
Issuance Date: 08/24/2017



Citation and Notification of Penalty

Company Name: German Pellets Texas, LLC
Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640

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

29 CFR 1910.134(h)(1)(ii): Respirators issued to more than one employee were not cleaned and disinfected before being worn by different individuals:

a) At the facility, in Silos 1 and 2: On February 26, 2017 and times thereafter, the employer issued 3M Model TR-300-HIK powered air purifying respirators for use by more than one employee and did not ensure they were cleaned and disinfected before being worn by different individuals.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/20/2017

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: German Pellets Texas, LLC
Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640

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 1917.23(c): When mechanical ventilation was used to maintain a safe atmosphere, tests were not made by a designated person to ensure that the atmosphere was not hazardous:

- a) At the facility, Silo 1: On February 24, 2017 when mechanical ventilation was used to maintain a safe atmosphere, tests were not made by a designated person during wood pellet cargo reclaiming operations to ensure the atmosphere was not hazardous, exposing employees to an asphyxiation hazard.
- b) At the facility, Silo 1: On February 25, 2017 when mechanical ventilation was used to maintain a safe atmosphere, tests were not made by a designated person during wood pellet cargo reclaiming operations to ensure the atmosphere was not hazardous, exposing employees to an asphyxiation hazard.
- c) At the facility, Silo 1: On February 26, 2017 when mechanical ventilation was used to maintain a safe atmosphere, tests were not made by a designated person during wood pellet cargo reclaiming operations to ensure the atmosphere was not hazardous, exposing employees to an asphyxiation hazard.

Date By Which Violation Must be Abated:	09/20/2017
Proposed Penalty:	\$6972.00

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

Inspection Number: 1228867
Inspection Date(s): 04/28/2017 - 08/18/2017
Issuance Date: 08/24/2017



Citation and Notification of Penalty

Company Name: German Pellets Texas, LLC
Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640

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

29 CFR 1917.24(b): Tests were not made to determine carbon monoxide concentration to ensure that employee exposure did not exceed the limits specified in 29 CFR 1917.24(a):

a) At the facility, in Silos 1, 3 and 5: On February 26, 2017 and times theretofore, the 8-hour time weighted average exposure to carbon monoxide was not determined for employees working near internal combustion engine material handling equipment inside the silos during wood pellet reclaiming, exposing employees to a chemical asphyxiation hazard.

Date By Which Violation Must be Abated:

09/20/2017

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: German Pellets Texas, LLC
Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640

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

29 CFR 1917.112(b)(1): Guardrails were not provided at locations where employees were exposed to floor or wall openings or waterside edges, including bridges or gangway-like structures leading to pilings or vessel mooring or berthing installations, which presented a hazard of falling more than 4 feet or into the water:

- a) At the facility, catwalk storage on top of and between Silos 2 and 3: On February 26, 2017 and times thereafter, employees were not protected by a guardrail while accessing materials including but not limited to spare chain links and other equipment stored at an unguarded edge approximately 120 feet above the lower level, exposing employees to a fall hazard.
- b) At the facility, on the conveyor that runs across the facility to the ship loader: On February 26, 2017 and times thereafter, employees were not protected by a guardrail during routine maintenance required during operation at a height approximately 29 feet above the lower level, exposing employees to a fall hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/20/2017
Proposed Penalty:	\$9760.00



Citation and Notification of Penalty

Company Name: German Pellets Texas, LLC
Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640

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

29 CFR 1917.151(b)(4): A power cut-off device for machinery and equipment was not provided at the operator's working position:

a) At the facility, Silo 1: On February 26, 2017 and times theretofore, a power cut-off device for the sweep auger was not provided at the operator's position on the outside of the silo while employees worked inside near the running auger to reclaim wood pellets, exposing employees to a caught-in hazard.

b) At the facility, Silo 2: On February 26, 2017 and times theretofore, a power cut-off device for the sweep auger was not provided at the operator's position on the outside of the silo while employees worked inside near the running auger to reclaim wood pellets, exposing employees to a caught-in hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/20/2017
Proposed Penalty:	\$9760.00



Citation and Notification of Penalty

Company Name: German Pellets Texas, LLC
Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to dust explosion, deflagration, and other fire hazards when using equipment with internal combustion engines while working in an environment normally expected to contain airborne combustible dust. On or about February 26, 2017 and times theretofore and thereafter, employees were directed to use internal combustion powered equipment, including a skid steer front end loader and a mini-excavator inside Silo 1. Silo 1 is normally expected to contain airborne combustible wood dust during reclaiming of wood pellets.

Among other methods, feasible and acceptable abatement methods to correct these hazards are to:

- a) Use material handling equipment listed or approved for the electrical classification of the area, in accordance with the National Fire Protection Association (NFPA) 654 Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids (2017), Chapter 9, Section 9.8. This section further refers to the National Fire Protection Association (NFPA) 505 Fire Safety Standard for Powered Industrial trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operations, Chapter 4.
- b) Install vibration or pneumatic material handling systems to reclaim pellets that fail to flow to the gates through gravity feed, eliminating the need to have employees enter the silos to discharge the pellet cargo.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/20/2017
Proposed Penalty:	\$97597.00

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

Inspection Number: 1228867
Inspection Date(s): 04/28/2017 - 08/18/2017
Issuance Date: 08/24/2017



Citation and Notification of Penalty

Company Name: German Pellets Texas, LLC
Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640

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

29 CFR 1917.151(b)(1): Danger zones on machines and equipment used by employees were not guarded:

- a) At the facility, Silo 1: On February 26, 2017 and times theretofore and thereafter, the danger zone of the sweep auger was not guarded while employees conducted wood pellet reclaiming near the point of operation, exposing employees to a caught in hazard.
- b) At the facility, Silo 2: On February 26, 2017 and times theretofore and thereafter, the danger zone of the sweep auger was not guarded while employees conducted wood pellet reclaiming near the point of operation, exposing employees to a caught in hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 09/20/2017
Proposed Penalty: \$97597.00

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: German Pellets Texas, LLC
Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640

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

29 CFR 1910.307(c)(2)(i): Equipment in hazardous (classified) location(s) was not approved for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that was or could be present:

- a) At the facility, Silo 1: On February 26, 2017 and times theretofore, electrical equipment including extension cords, plug connections, and Portable LED electric work lights, Ecozone, Model L1326, UL 1P68, 120 volt, 0.84 amp in a Class II, Division I location, were not intrinsically safe, or approved for Class II, Division I location exposing employees to fire and explosion hazards.
- b) At the facility, Silo 2: On February 26, 2017 and times theretofore, electrical equipment including extension cords, plug connections, and Portable LED electric work lights, Ecozone, Model L1326, UL 1P68, 120 volt, 0.84 amp in a Class II, Division I location, were not intrinsically safe, or approved for Class II, Division I location, exposing employees to fire and explosion hazards.

German Pellets Texas, LLC was previously cited for a violation of this Occupational Safety and Health Standard 29 CFR 1910.307(c)(2)(i), which was contained in OSHA inspection number 950187, citation number 1, item number 4 and was affirmed as a final order on 5/16/2014, with respect to a workplace located at Port of Port Arthur, 498-A West Lakeshore Dr., Port Arthur, TX 77640.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/20/2017
Proposed Penalty:	\$19520.00

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: German Pellets Texas, LLC
Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640

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

29 CFR 1917.23(b)(1): The employer did not ensure that a properly equipped designated person tested the atmosphere in rooms, buildings, vehicles, railcars, or other spaces that contains or had contained a hazardous atmosphere, prior to employee entry to determine whether a hazardous atmosphere existed:

- a) At the facility, Silo 1: On February 24, 2017 the designated person was not properly equipped and did not test the silo atmosphere prior to employees entering to conduct wood pellet cargo reclaiming, exposing employees to an asphyxiation hazard.
- b) At the facility, Silo 2: On February 24, 2017 the designated person was not properly equipped and did not test the silo atmosphere prior to employees entering to conduct wood pellet cargo reclaiming, exposing employees to an asphyxiation hazard.
- c) At the facility, Silo 1: On February 25, 2017 the designated person was not properly equipped and did not test the silo atmosphere prior to employees entering to conduct wood pellet cargo reclaiming, exposing employees to an asphyxiation hazard.
- d) At the facility, Silo 2: On February 25, 2017 the designated person was not properly equipped and did not test the silo atmosphere prior to employees entering to conduct wood pellet cargo reclaiming, exposing employees to an asphyxiation hazard.
- e) At the facility, Silo 1: On February 26, 2017 the designated person was not properly equipped and did not test the silo atmosphere prior to employees entering to conduct wood pellet cargo reclaiming, exposing employees to an asphyxiation hazard.
- f) At the facility, Silo 2: On February 26, 2017 the designated person was not properly equipped and did not test the silo atmosphere prior to employees entering to conduct wood pellet cargo reclaiming, exposing employees to an asphyxiation hazard.
- g) At the facility, Silo 1: On February 27, 2017 the designated person was not properly equipped and did not test the silo atmosphere prior to employees entering to conduct wood pellet cargo reclaiming, exposing employees to an asphyxiation hazard.

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: 1228867
Inspection Date(s): 04/28/2017 - 08/18/2017
Issuance Date: 08/24/2017



Citation and Notification of Penalty

Company Name: German Pellets Texas, LLC
Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640

h) At the facility, in the Pit Area: On April 15, 2017 and times thereafter, the designated person was not properly equipped and did not test the pit area atmosphere prior to employees entering to pump fire suppression cooling water, exposing employees to an asphyxiation hazard.

German Pellets Texas, LLC was previously cited for a violation of an equivalent Occupational Safety and Health Standard 29 CFR 1910.146(c)(5)(ii)(c), which was contained in OSHA inspection number 950187, citation number 1, item number 1b and was affirmed as a final order on 5/16/2014, with respect to a workplace located at Port of Port Arthur, 498-A West Lakeshore Dr., Port Arthur, TX 77640.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/20/2017
Proposed Penalty:	\$13943.00

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: German Pellets Texas, LLC

Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640

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

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

a) At the facility, Silo 1 and 2: On February 26, 2017 and times theretofore, employees used tight fitting, negative pressure N95 filtering face piece respirators for protection from wood dust inhalation during wood pellet reclaiming inside the silos, and were not medically evaluated to determine their ability to use that respirator, exposing employees to a cardio-pulmonary distress hazard.

German Pellets Texas, LLC was previously cited for a violation of this Occupational Safety and Health Standard 29 CFR 1910.134(e)(1), which was contained in OSHA inspection number 1074467, citation number 3, item number 1 and was affirmed as a final order on 10/22/2015, with respect to a workplace located at Port of Port Arthur, 498-A West Lakeshore Dr., Port Arthur, TX 77640.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/20/2017
Proposed Penalty:	\$2789.00



Citation and Notification of Penalty

Company Name: German Pellets Texas, LLC
Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640

Citation 3 Item 4 Type of Violation: **Repeat**

29 CFR 1910.134(f)(2): Employee(s) using tight-fitting face piece respirators were not fit tested prior to initial use of the respirator:

a) At the facility, in Silos 1 and 2: On February 26, 2017 and times thereafter, the employer did not ensure employees were fit tested for 3M 8511 N95 tight fitting respirators prior to use during wood pellet reclaiming inside the silos.

German Pellets Texas LLC was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 1074467, citation number 3, item number 2 and was affirmed as a final order on 10/22/2015, with respect to a workplace located at 498-A West Lakeshore Dr., Port Arthur, TX.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 09/20/2017
Proposed Penalty: \$2789.00


Mark R. Briggs
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
17625 El Camino Real
Suite 400
Houston, TX 77058
Phone: 281-286-0583 Fax: 281-286-6352



INVOICE / DEBT COLLECTION NOTICE

Company Name: German Pellets Texas, LLC
Inspection Site: 498-A West Lakeshore Dr., Port Arthur, TX 77640
Issuance Date: 08/24/2017

Summary of Penalties for Inspection Number	1228867
Citation 1, Serious	\$33464.00
Citation 2, Willful	\$195194.00
Citation 3, Repeat	\$39041.00
TOTAL PROPOSED PENALTIES	\$267699.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$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.



Mark R. Briggs

Area Director



Date