

U.S. Department of Labor
Occupational Safety and Health Administration
1141 Montlimar Drive
Suite 1006
Mobile, AL 36609
Phone: 251-441-6131 Fax: 251-441-6396



Citation and Notification of Penalty

To:
TMS International, LLC
1 Steel Drive
Paul Bayou Road-North Gate
Calvert, AL 36513

Inspection Number: 1220871
Inspection Date(s): 03/29/2017 - 04/12/2017
Issuance Date: 09/21/2017

Inspection Site:
1 Steel DR
Paul Bryan Bayou RD North Gate
Calvert, AL 36513

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 09/21/2017. The conference will be held by telephone or at the OSHA office located at 1141 Montlimar Drive, Suite 1006, Mobile, AL 36609 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1220871

Company Name: TMS International, LLC
Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513
Issuance Date: 09/21/2017

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, 1141 Montlimar Drive, Suite 1006, Mobile, AL 36609**

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

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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

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

29 CFR 1910.132(a): Protective equipment was not used when necessary whenever hazards capable of causing injury and impairment were encountered:

a) Bag House/Cutting area: On approximately March 29, 2017 and April 11, 2017, employees did not use adequate personal protective equipment to prevent burns from splatter during cutting/lancing operations.

Date By Which Violation Must be Abated:

09/29/2017

Proposed Penalty:

\$9054.00

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: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

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 1910.1026(c): Employees were exposed to an airborne concentration of chromium (VI) which exceeded 5 micrograms per cubic meter of air, as an 8-hour time-weighted average:

a) Bag House Area: on April 12, 2017 and times prior, the employer exposed an employee to airborne Hexavalent chromium at an 8 hour calculated Time Weighted Average (TWA) of 0.0085 milligrams per cubic meter of air which is 1.707 times the calculated 8 hour time weighted average PEL of 0.005 milligrams per cubic meter of air while cutting scrap steel. Results were calculated for a 480 minute sampling period.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/18/2017

Proposed Penalty:

\$12675.00

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Citation and Notification of Penalty

Company Name: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

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

29 CFR 1910.1026(e)(2): The employer did not ensure that a regulated area for chromium (VI) was demarcated from the rest of the workplace in a manner that adequately established and alerted employees of the boundaries of the regulated area:

a) Bag House/Cutting area: on April 12, 2017 and times prior, the employer failed to establish a regulated area that demarcated in a manner that alerted employees of the hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/18/2017

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: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

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 1910.1026(h)(2)(i): The employer did not ensure that employees removed all protective clothing and equipment contaminated with chromium (VI) at the end of the work shift or at the completion of their tasks involving chromium (VI) exposure, whichever came first:

a) Bag House/Cutting area: on April 12, 2017 and times prior, the employer did not require the removal of contaminated clothing or equipment from the area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/18/2017

Proposed Penalty:

\$12675.00

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

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Company Name: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

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

29 CFR 1910.1026(h)(2)(ii): The employer did not ensure that no employee removed chromium (VI)-contaminated protective clothing or equipment from the workplace, except for those employees whose job it was to launder, clean, maintain, or dispose of such clothing or equipment:

a) Bag House/Cutting area: on April 12, 2017, and times prior, the employer did not ensure that no employee removed chromium (VI) contaminated protective clothing or equipment from the workplace, except for those employees whose job it was to launder, clean, maintain, or dispose of such clothing or equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

29 CFR 1910.1026(h)(2)(iii): Chromium (VI)-contaminated protective clothing or equipment was removed for laundering, cleaning, maintenance, or disposal; however, the employer did not ensure that it was stored and transported in sealed, impermeable bags or other closed, impermeable containers:

a) Bag House/Cutting area: on April 12, 2017, and times prior, the employer did not ensure that contaminated equipment and clothing was stored and transported in sealed, impermeable bags, or other closed, impermeable containers.

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

29 CFR 1910.1026(h)(2)(iv): The employer did not ensure that bags or containers of contaminated protective clothing or equipment that were removed from change rooms for laundering, cleaning, maintenance, or disposal were labeled in accordance with the requirements of the Hazard Communication Standard, 29 CFR 1910.1200:

a) Bag House/Cutting area change room and main change room: on April 12, 2017, and times prior, the employer did not provide bags or containers labeled for the placement of contaminated clothing or equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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10/18/2017

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Company Name: TMS International, LLC
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Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.1026(i)(1): The employer did not provide change rooms, in conformance with the Sanitation standard, 29 CFR 1910.141, for employees who were required to change their clothes to use protective clothing and equipment for chromium (VI) exposures:

a) Bag House/Cutting area: on April 12, 2017, and times prior, the employer did not provide change rooms in accordance with 29 CFR 1910.141(e).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/18/2017
Proposed Penalty:	\$12675.00

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Company Name: TMS International, LLC
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Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.1026(i)(3)(i): Readily accessible washing facilities capable of removing chromium (VI) from the skin were not provided by the employer at a worksite with chromium (VI) exposures:

a) Bag House/Cutting area: on April 12, 2017, and times prior, the employer did not provide washing facilities readily available for employees to wash exposed body parts.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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Proposed Penalty:	\$12675.00

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Citation and Notification of Penalty

Company Name: TMS International, LLC
Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

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

29 CFR 1910.1026(k)(1)(i): The employer did not make medical surveillance for chromium (VI) exposures available at no cost to the employees, and/or at a reasonable time and place:

a) Bag House/Cutting area: on April 12, 2017, and times prior, the employer did not make medical surveillance for chromium (VI) exposures available at no cost to the employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/18/2017
Proposed Penalty:	\$12675.00

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: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

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 7 a Type of Violation: **Serious**

29 CFR 1910.1027(c): The employer did not ensure that no employee was exposed to an airborne concentration of cadmium in excess of five micrograms per cubic meter of air (5ug/m³) or 0.005 milligrams per cubic meter of air (0.005 mg/m³), calculated as an eight-hour time-weighted average (TWA):

a) Cutting area: on April 11, 2017, and times prior, the employer exposed an employee to airborne cadmium at an 8-hour calculated time-weighted average (TWA) of 0.032 milligrams per cubic meter of air which is 6.4 times the calculated 8-hour time-weighted average permissible exposure level (PEL) of 0.005 milligrams per cubic meter of air while cutting scrap steel. Results were calculated for a 480 minute sampling period.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/18/2017

Proposed Penalty:

\$12675.00

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

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Citation and Notification of Penalty

Company Name: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

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

29 CFR 1910.1027(e)(4): Each person entering a regulated area established for exposure to airborne concentrations of cadmium, was not supplied with and/or required to use a respirator, selected in accordance with 29 CFR 1910.1027(g)(2):

a) Cutting area: on April 11, 2017, and times prior, the employer exposed an employee to airborne cadmium by not requiring employees to wear a respirator in the outside cutting/lancing area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

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Company Name: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

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

29 CFR 1910.1027(g)(1): For employees who used respirators required by 29 CFR 1910.1027, the employer did not provide each employee an appropriate respirator that complied with the requirements of 29 CFR 1910.1027(g):

a) Cutting area: on April 11, 2017, and times prior, the employer did not require or supply a respirator for the employees performing cutting/lancing operations outside.

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Date By Which Violation Must be Abated:

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Citation and Notification of Penalty

Company Name: TMS International, LLC
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Citation 1 Item 7 d Type of Violation: **Serious**

29 CFR 1910.1027(f)(1)(i): The employer did not implement engineering and work practice controls to reduce and maintain employee exposure to cadmium at or below the permissible exposure limit (PEL):

a) Cutting area: on April 11, 2017, and times prior, the employer did not implement engineering and work practice controls to reduce and maintain employee exposure to cadmium at or below the PEL

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

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Company Name: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

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

29 CFR 1910.1027(d)(1)(i): The employer did not determine whether any employee was exposed to cadmium at or above the action level:

a) Cutting area: on April 11, 2017, and times prior, the employer failed to do an exposure determination to determine if any employees performing cutting/lancing operations may be exposed to cadmium at or above the action level.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/18/2017

Proposed Penalty:

\$12675.00

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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 9 a Type of Violation: **Serious**

29 CFR 1910.1027(e)(1): The employer did not establish a regulated area wherever an employee's exposure to airborne concentrations of cadmium was, or could reasonably have been expected to be, in excess of the permissible exposure limit (PEL):

a) Cutting area: on April 11, 2017, and times prior, the employer exposed employees to airborne cadmium by not establishing a regulated area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/18/2017
Proposed Penalty:	\$12675.00

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Citation and Notification of Penalty

Company Name: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

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

29 CFR 1910.1027(e)(2): Regulated areas established for exposure to airborne concentrations of cadmium were not demarcated from the rest of the workplace in a manner that adequately established and alerted employees of the boundaries of the regulated area:

a) Cutting area: on April 11, 2017, and times prior, the employer exposed employees to airborne cadmium by not demarcating a regulated area.

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10/18/2017

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

29 CFR 1910.1027(e)(3): Access to regulated areas established for exposure to airborne concentrations of cadmium, was not limited to authorized persons:

a) Cutting area: on April 11, 2017, and times prior, the employer exposed employees to airborne cadmium by not limiting access to the cutting/lancing area to authorized persons.

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

29 CFR 1910.1027(e)(5): The employer did not ensure that employees did not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in regulated areas, carry the products associated with these activities into regulated areas, or store such products in the regulated area:

a) Cutting area: on April 11, 2017, and times prior, the employer allowed employees to eat, drink, and use tobacco products in the area in which employees were exposed to airborne cadmium from cutting/lancing operations.

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10/18/2017

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

29 CFR 1910.1027(m)(2)(i): Warning signs were not posted at all approaches to the regulated area so that an employee could read the signs and take necessary protective steps before entering the area:

a) Cutting area: on April 11, 2017, and times prior, the employer did not have signs posted at all approaches to the regulated area.

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

29 CFR 1910.1027(f)(2)(i): When the permissible exposure limit (PEL) was exceeded, the employer did not establish and implement a written compliance program to reduce employee exposure to cadmium to or below the PEL by means of engineering and work practice controls:

a) Cutting area: on April 11, 2017, and times prior, the employer did not have in place a written compliance program to reduce employee exposure to cadmium.

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Date By Which Violation Must be Abated:	10/18/2017
Proposed Penalty:	\$12675.00

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Issuance Date: 09/21/2017



Citation and Notification of Penalty

Company Name: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

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 11 a Type of Violation: **Serious**

29 CFR 1910.1027(i)(2)(i): The employer did not ensure that employees removed all protective clothing and equipment contaminated with cadmium at the completion of the work shift:

a) Cutting and change room areas: on April 11, 2017, and times prior, the employer did not ensure that employees removed all protective clothing and equipment contaminated with cadmium at the completion of the work shift.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/18/2017

Proposed Penalty:

\$12675.00

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: 1220871
Inspection Date(s): 03/29/2017 - 04/12/2017
Issuance Date: 09/21/2017



Citation and Notification of Penalty

Company Name: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

Citation 1 Item 11 b

Type of Violation: **Serious**

29 CFR 1910.1027(i)(2)(ii): The employer did not ensure that no employees took cadmium-contaminated protective clothing or equipment from the workplace:

a) Cutting and change room areas: on April 11, 2017, and times prior, the employer did not ensure that no employees took cadmium-contaminated protective clothing or equipment from the workplace.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/18/2017

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: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

Citation 1 Item 11 c Type of Violation: **Serious**

29 CFR 1910.1027(i)(2)(iii): The employer did not ensure that cadmium-contaminated protective clothing and equipment, when removed for laundering, cleaning, maintenance, or disposal, were placed and stored in sealed, impermeable bags or other closed, impermeable containers that are designed to prevent dispersion of cadmium dust:

a) Cutting area and connex storage area: on April 11, 2017, and times prior, the employer did not ensure impermeable containers that are designed to prevent dispersion of cadmium dust were available to employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/18/2017

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

Inspection Number: 1220871
Inspection Date(s): 03/29/2017 - 04/12/2017
Issuance Date: 09/21/2017



Citation and Notification of Penalty

Company Name: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

Citation 1 Item 11 d Type of Violation: **Serious**

29 CFR 1910.1027(i)(2)(iv): The employer did not ensure that bags or containers of contaminated protective clothing and equipment that were to be taken out of change rooms or the workplace for laundering, cleaning, maintenance or disposal bore labels in accordance with 29 CFR 1910.1027(m):

a) Cutting and change/locker room areas: on April 11, 2017, and times prior, the employer exposed an employee to airborne cadmium by not providing bags or containers that bore labels in accordance with 29 CFR 1910.1027(m).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/18/2017

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: 1220871
Inspection Date(s): 03/29/2017 - 04/12/2017
Issuance Date: 09/21/2017



Citation and Notification of Penalty

Company Name: TMS International, LLC
Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.1027(j)(1): The employer did not provide clean change rooms, hand washing facilities, showers, and lunchroom facilities that complied with 29 CFR 1910.141 for employees whose airborne exposure to cadmium was above the permissible exposure limit (PEL):

a) Change/locker room area: on April 11, 2017, and times prior, the employer exposed employees to airborne cadmium by not providing clean change rooms, hand washing facilities, showers, and lunchroom facilities that complied with 29 CFR 1910.141(e).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/18/2017
Proposed Penalty:	\$12675.00

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: 1220871
Inspection Date(s): 03/29/2017 - 04/12/2017
Issuance Date: 09/21/2017



Citation and Notification of Penalty

Company Name: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.1027(l)(1)(i)(A): The employer did not institute a medical surveillance program for all employees who were or potentially were exposed to cadmium at or above the action level on 30 or more days per year (twelve consecutive months):

a) Cutting area: on April 11, 2017, and times prior, the employer did not have a medical surveillance program in place.

Date By Which Violation Must be Abated:

10/18/2017

Proposed Penalty:

\$9054.00

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: TMS International, LLC

Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513

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

29 CFR 1910.1027(m)(4)(i): The employer did not train each employee who is potentially exposed to cadmium:

a) Cutting area; on or about April 11, 2017 and times prior, the employer did not train the employees on the dangers of Cadmium exposure.

TMS International, LLC, formerly known as Tube City IMS, was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.1027(m)(4)(i), which was contained in OSHA inspection number 635220, citation number 1, item 1 b and was affirmed as a final order on 11/15/2012, with respect to a workplace located at 516 Delwar RD, Pittsburgh, PA 15236.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/18/2017

Proposed Penalty:

\$63375.00



Joseph Roesler
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1141 Montlimar Drive
Suite 1006
Mobile, AL 36609
Phone: 251-441-6131 Fax: 251-441-6396



INVOICE / DEBT COLLECTION NOTICE

Company Name: TMS International, LLC
Inspection Site: 1 Steel DR, Paul Bryan Bayou RD North Gate, Calvert, AL 36513
Issuance Date: 09/21/2017

Summary of Penalties for Inspection Number	1220871
Citation 1, Serious	\$157533.00
Citation 2, Repeat	\$63375.00
TOTAL PROPOSED PENALTIES	\$220908.00

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.



Joseph Roesler
Area Director

9/21/2017

Date