

U.S. Department of Labor

Occupational Safety and Health Administration
51 Century Boulevard
Suite 250
Nashville, TN 37214



Citation and Notification of Penalty

To:

First Marine, LLC, a division of Western Rivers Boat
Management, Inc., assumed name for WRBM, LLC
354 Hollanger Rd
Calvert City, KY 42029

Inspection Number: 1292252**Inspection Date(s):** 01/19/2018 - 05/10/2018**Issuance Date:** 07/17/2018**Inspection Site:**

354 Hollanger Rd
Calvert City, KY 42029

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 by calling 615-232-3803. 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 07/17/2018. The conference will be held by telephone or at the OSHA office located at 51 Century Boulevard, Suite 250, Nashville, TN 37214 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1292252

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

Issuance Date: 07/17/2018

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, 51 Century Boulevard, Suite 250, Nashville, TN 37214**

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: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and 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 hazard of asphyxiation:

(a) William E. Strait - During the period January 18, 2018 through January 19, 2018 a carbon monoxide producing propane forced air heater was used in the lower engine room.

Among other methods, one feasible and acceptable abatement method to correct this hazardous condition would be to remove the LP gas heater from the enclosed space and prohibit future use aboard vessels and train all employees about this policy.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/27/2018

Proposed Penalty:

\$12934.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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 1915.55(f)(3): A hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substances which may ignite or enter into combustion or be in any way harmful to employees, was not inspected at the beginning of each shift:

(a) William E. Strait - On or about January 19, 2018 the employer did not ensure that employees using cutting torch in space below deck locker inspect the hose line supplying oxygen and propylene as required. A section of the hose was on the deck covered with snow and ice.

Date By Which Violation Must be Abated:

07/27/2018

Proposed Penalty:

\$8130.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.55(f)(4): Hose which had been subjected to flashback or which showed evidence of severe wear or damage was not tested to twice the normal pressure, but in no case less than 200 psi:

(a) William E. Strait - On or about January 19, 2018 gas hose lines in use that were repaired on site by means of splice kits, after being found to have severe wear or damaged, were not tested to 200 psi prior to being placed back in service.

Date By Which Violation Must be Abated:

07/27/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.73(d): When employees were exposed to unguarded edges of decks, platforms, flats, or similar flat surfaces, more than 5 feet above a solid surface, the edges were not guarded by adequate guardrails meeting the requirements of 29 CFR 1915.71(j)(1) and (2):

(a) William E. Strait - During the period January 18, 2017 through January 19, 2018 deck openings around aft end of engines in the upper engine room were not guarded exposing employees to fall hazard of up to 8 feet.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$8130.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.74(c)(2): A safe walkway meeting the requirements of 29 CFR 1917.74(a)(7) was not provided to step safely to or from the wharf, float, barge, or river towboat:

(a) William E. Strait - On or about January 19, 2018 a ramp was not provided to access the vessel. The William E. Strait was tied to the dock in a manner that would allow it to float away from the dock creating a space of approximately 2 feet that an employee could fall through between the deck and dock.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/23/2018
\$8130.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.81(b)(1)(iv): The employer did not place each hose and cord in a location that would prevent injury to employees and damage to the hoses and cords:

(a) William E. Strait - On or about January 19, 2018 hoses and cords on walkways were not covered exposing employees to tripping and fall hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/27/2018
\$8130.00

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

Inspection Number: 1292252
Inspection Date(s): 01/19/2018 - 05/10/2018
Issuance Date: 07/17/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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 6 a Type of Violation: **Serious**

29 CFR 1915.89(b)(4): Employer's lockout/tags-plus program did not cover employee information and training in accordance with paragraph (o) of this section as required by 1915.181(c):

(a) Shipyard - On or about February 1, 2018 the employer's written energy control program did not address employee information and training.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/10/2018
\$8130.00

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: 1292252
Inspection Date(s): 01/19/2018 - 05/10/2018
Issuance Date: 07/17/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.89(b)(5): Employer's lockout/tags-plus program did not cover Incident investigations in accordance with paragraph (p) of this section:

(a) Shipyard - On or about February 1, 2018 the employer's energy control procedure did not address incident investigations.

Date By Which Violation Must be Abated:

08/10/2018

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: 1292252
Inspection Date(s): 01/19/2018 - 05/10/2018
Issuance Date: 07/17/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.89(b)(6): Employer's lockout/tags-plus program did not cover program audits in accordance with paragraph (q) of this section:

(a) Shipyard - On or about February 1, 2018 the employer's energy control program did not address audits.

Date By Which Violation Must be Abated:

08/10/2018

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: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.89(m)(1): The employer did not establish and implement provisions for the orderly transfer of lockout/tags-plus systems between authorized employees when they were starting and ending their work shifts, or when personnel changes occurred during a work shift, to prevent energization or startup of the machinery, equipment, or system being serviced or the release of hazardous energy:

(a) Shipyard - On or about February 1, 2018 the employer's written energy control program did not address shift and personnel changes.

Date By Which Violation Must be Abated:

08/10/2018

U.S. Department of Labor

Occupational Safety and Health Administration

Inspection Number: 1292252

Inspection Date(s): 01/19/2018 - 05/10/2018

Issuance Date: 07/17/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.89(o)(4): In addition to training authorized employees in the requirements in paragraphs (o)(2) and (o)(3) of this section, the employer did not ensure that each authorized employee was trained in the requirements in paragraph (o)(4)(i) through (o)(4)(ix) section:

(a) Shipyard - On or about February 1, 2018 the employer had not trained authorized employees as required.

Date By Which Violation Must be Abated:

08/10/2018

Proposed Penalty:

\$8130.00

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: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.89(q)(1): The employer did not conduct an audit of the lockout/tags-plus program and procedures currently in use at least annually to ensure that the procedures and the requirements of this section are being followed and to correct any deficiencies:

(a) Shipyard - On or about February 1, 2018 an audit of the employer's energy control program and procedures had not been conducted as required.

Date By Which Violation Must be Abated:

08/10/2018

Proposed Penalty:

\$8130.00

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

Inspection Number: 1292252
Inspection Date(s): 01/19/2018 - 05/10/2018
Issuance Date: 07/17/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.158(b)(2): On floating vessels under 200 feet in length, at least one 30-inch U.S. Coast Guard approved ring life buoy with line attached were not located at the gangway:

(a) William E. Strait - On or about January 19, 2018 a life ring with line attached was not visible and accessible at employee access point.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/23/2018
\$10163.00

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: 1292252
Inspection Date(s): 01/19/2018 - 05/10/2018
Issuance Date: 07/17/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.503(b)(2)(ii): The employer did not make sure that unattended fuel gas and oxygen hose lines or torches were in enclosed spaces for no more than 15 minutes:

William E. Strait - During the period January 17, 2018 through January 19, 2018 employee(s) left gas hose lines in enclosed spaces unattended.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$12934.00

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: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.503(b)(2)(iv): The employer did not make sure that all disconnected fuel gas and oxygen hose lines were rolled back to the supply manifold or to open air to disconnect the torch, or extended fuel gas and oxygen hose lines were not reconnected at the supply manifold unless the lines were given a positive means of identification when they were first connected and the lines were tested using a drop test or other positive means to ensure the integrity of fuel gas and oxygen burning system:

(a) William E. Strait - During the period January 17, 2018 through January 19, 2018 employee disconnected torch from oxygen/propylene gas hose lines in enclosed space and left the gas lines in the enclosed space below the deck locker and the end of shift. On January 19, 2018 the oxygen and propylene for the hose lines was discovered turned on without a torch attached to the line.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$12934.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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 12 a Type of Violation: **Serious**

29 CFR 1915.508(b)(1): The employer did not ensure all employees were trained on emergency alarm signals, including system discharge and employee evacuation alarms:

(a) Shipyard - On or about January 19, 2018 through February 8, 2018 the employer did not train all employees and temporary employees as required.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/10/2018
\$8130.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

Citation 1 Item 12 b

Type of Violation: **Serious**

29 CFR 1915.508(b)(2): The employer did not ensure the employees were trained on the primary and secondary evacuation routes in event of fire in the workplace:

(a) Shipyard - During the period January 19, 2018 through February 8, 2018 the employer did not train all employees and all temporary employees as required.

Date By Which Violation Must be Abated:

08/10/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.40(a): The employer did not provide an authorized government representative the records within the four business hours:

(a) First Marine, LLC Calvert City: On January 19, 2018 Area Director requested OSHA 300 and 300A's for 2015, 2016, 2017. On or about February 9, 2018 an email was sent to remind employer representative that the 300A's were not provided. A third request was made in person for the records on March 14, 2018. The employer representative provided requested records on March 15, 2018.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2033.00

A handwritten signature in black ink, appearing to read "William Cochran", written over a horizontal line.

William Cochran
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
51 Century Boulevard
Suite 250
Nashville, TN 37214



INVOICE / DEBT COLLECTION NOTICE

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC
Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029
Issuance Date: 07/17/2018

Summary of Penalties for Inspection Number	1292252
Citation 1, Serious	\$114005.00
Citation 2, Other-than-Serious	\$2033.00
TOTAL PROPOSED PENALTIES	\$116038.00

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.



William Cochran

Area Director

7/17/2018

Date

U.S. Department of Labor

Occupational Safety and Health Administration
51 Century Boulevard
Suite 250
Nashville, TN 37214



Citation and Notification of Penalty

To:

First Marine, LLC, a division of Western Rivers Boat
Management, Inc., assumed name for WRBM, LLC
354 Hollanger Rd
Calvert City, KY 42029

Inspection Number: 1304227

Inspection Date(s): 01/30/2018 - 05/10/2018

Issuance Date: 07/17/2018

Inspection Site:

354 Hollanger Rd
Calvert City, KY 42029

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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 by calling 615-232-3803. 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 07/17/2018. The conference will be held by telephone or at the OSHA office located at 51 Century Boulevard, Suite 250, Nashville, TN 37214 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1304227

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

Issuance Date: 07/17/2018

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, 51 Century Boulevard, Suite 250, Nashville, TN 37214**

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: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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 1910.1030(c)(1)(iv): The Exposure Control Plan was not reviewed and updated at least annually. 29 CFR 1910.1030(c)(1)(iv) is applicable to shipyard employment by 29 CFR 1915.1030 that incorporates the General Industry requirement

a) Facility: On or about January 19, 2018, and at times prior; the employer exposed employees to bloodborne pathogen hazards by failing to ensure that the written Blood Borne Pathogen Plan to include an Exposure Control Plan was available and updated at least annually .

Date By Which Violation Must be Abated:
Proposed Penalty:

08/03/2018
\$10163.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1910.1030(f)(1)(i): The employer did not make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure. 29 CFR 1910.1030(f)(1)(i): is applicable to shipyard employment by 29 CFR 1915.1030 that incorporates the General Industry requirement

a) Facility: On or about January 19, 2018, and at times prior; the employer exposed employee(s) to bloodborne pathogen hazards by failing to make the Hepatitis B vaccine available to employees with a reasonably anticipated exposure to blood or other potentially infectious material.

Date By Which Violation Must be Abated:

08/03/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1910.1030(g)(2)(ii)(A): The employer did not ensure that training provided to employees with occupational exposure was conducted at the time initial assignment to tasks where occupational exposure may take place. 29 CFR 1910.1030(g)(2)(ii)(A) is applicable to shipyard employment by 29 CFR 1915.1030 that incorporates the General Industry

a) Facility: On or about January 19, 2018, and at times prior; the employer exposed employees to bloodborne pathogen hazards by failing to train employees, with a reasonable anticipated exposure to blood, in the required element of a bloodborne pathogens programs at the time of their initial assignment and annually thereafter.

Date By Which Violation Must be Abated:

08/03/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area, which is applicable to shipyard employment by 29 CFR 1915.1200 that incorporates the General Industry requirement

a) Facility: On or about January 19, 2018; the employer exposed employees to hazards related to chemicals used on site including but not limited to propylene, Propane, Diesel and Paint without training employees in the required elements of the hazard communication standard including those element required under the global harmonization revisions to the standard.

Date By Which Violation Must be Abated:

08/03/2018

Proposed Penalty:

\$10163.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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 1915.7(b)(1): The employer did not designate one or more shipyard competent persons.

a) Shipyard: William E Strait- On or about January 19, 2018 the employer allowed employees to enter confined and enclosed spaces to perform work such as but not limited to pulling electrical wire, Plumping, Pipe fitting, arc welding and cutting with a torch without designating a shipyard competent person for the work in accordance with the regulation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/03/2018

Proposed Penalty:

\$12934.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.7(b)(2)(i): The employer did not maintain a roster of designated competent persons or a current statement that a Marine Chemist will perform the tests or inspections which require a competent person.

a) Shipyard: William E Strait- On or about January 19, 2018 the employer allowed employees to enter confined and enclosed spaces to perform work such as but not limited to pulling electrical wire, Plumping, Pipe fitting, arc welding and cutting with a torch without maintaining a roster of shipyard competent persons at the site or a current statement that a Marine Chemist will perform the tests or inspections which require a competent person.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/03/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.7(b)(2)(ii): The employer did not make the roster of designated competent persons or the statement that a Marine Chemist will perform the tests or inspections, available to employees, the employee's representative or the Assistant Secretary.

a) Shipyard: William E Strait- On or about January 19, 2018 the employer allowed employees to enter confined and enclosed spaces to perform work such as but not limited to pulling electrical wire, Plumping, Pipe fitting, arc welding and cutting with a torch and did not provide a roster of shipyard competent persons at the site or a current statement that a Marine Chemist will perform the tests or inspections which require a competent person to the Assistant Secretary upon request.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/03/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.7(c): The employer did not ensure the competent persons had the knowledge and skills described in 1915.7(c)(1) through (7):

a) Shipyard - On or about January 19, 2018 the employer allowed employees to enter confined and enclosed spaces to perform work such as but not limited to pulling electrical wire, Plumping, Pipe fitting, arc welding and cutting with a torch without ensuring the competent person on site had the required skills and knowledge to perform the role as described in 1915.7(c)(1) through (7).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/03/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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 4 a Type of Violation: **Serious**

29 CFR 1915.12(a)(1)(ii): The employer did not ensure that spaces and adjacent spaces that contain or have contained combustible or flammable liquids or gases were visually inspected and tested by a competent person to determine the atmosphere's oxygen content prior to initial entry into the space by an employee.

(a) William E. Strait - On or about January 19, 2018 the employer required employees to enter spaces to perform work such as but not limited to pulling electrical wire and did not ensure a competent person tested the atmosphere's of the space to determine the oxygen content prior to initial entry into the space by employees exposing employees to asphyxiation hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/03/2018

Proposed Penalty:

\$12934.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.12(c)(1)(ii): The employer did not ensure that spaces or adjacent spaces that contain or have contained liquids, gases, or solids that were toxic, corrosive or irritant were tested by a competent person to determine the air concentration of toxics, corrosives, or irritants within the space prior to initial entry by an employee.

(a) William E. Strait lower engine room - On or about January 19, 2018 the employer allowed employees to enter spaces to perform work such as but not limited to pulling electrical wire did not ensure a competent person tested to determine air concentration of toxics (Carbon monoxide), corrosives, or irritants (Paint Vapors, Diesel Combustion byproducts) prior to initial entry into the space by employees exposing employees to inhalation hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/03/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.12(b)(1)(i): The employer did not ensure that spaces and adjacent spaces that contain or have contained combustible or flammable liquids or gases were inspected visually by the competent person to determine the presence of combustible or flammable liquids.

(a) William E. Strait: engine room- On or about January 19, 2018 the employer required employees to enter spaces to perform work such as but not limited to pulling electrical wire and did not ensure a competent person visually inspected the spaces for the presence of combustible or flammable liquids prior to initial entry into the space by employees exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/03/2018

Proposed Penalty:

\$12934.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.12(f): The employer did not ensure that all available information on the hazards, safety rules, and emergency procedures regarding confined and enclosed spaces or other dangerous atmospheres was exchanged with any other employer whose employees may enter the same spaces.

(a) William E. Strait - On or about January 19, 2018 the employer allowed contract employees to enter confined and enclosed spaces to perform work such as but not limited to welding, painting, and insulation installation without ensuring that all available information on the hazards, safety rules, and emergency procedures regarding confined and enclosed spaces or other dangerous atmospheres they would encounter was exchanged exposing both site employees and contractors to asphyxiation, fire, and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/03/2018
\$12934.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.14(a)(1)(i): Hot work was performed within, on, or immediately adjacent to spaces that contain or have contained combustible or flammable liquids or gases before those spaces were tested and certified by a Marine Chemist or a U.S. Coast Guard authorized person as "Safe for Hot Work".

(a) William E. Strait forward portion of the lower hull - On or about January 19, 2018 the employer required employees to perform hot work such as arc welding and cutting with a torch in the space below the deck locker where a flammable gas leak occurred without the space and adjacent spaces being tested and certified by a Marine Chemist or a U.S. Coast Guard authorized person as "Safe for Hot Work."

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/03/2018
\$12934.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.12(b)(1)(ii): The employer did not ensure that spaces and adjacent spaces that contain or have contained combustible or flammable liquids or gases were tested by a competent person to determine the concentration of flammable vapors and gases within the space prior to entry by an employee.

(a) William E. Strait lower engine room, on or about January 19, 2018, the employer allowed employees to enter spaces to perform work, such as but not limited to, pulling electrical wire, plumbing, and pipe fitting, where flammable gas was present, filling the space and adjacent spaces, and did not ensure a competent person tested to determine the concentration of flammable vapors and gases prior to initial entry into the space by employees, exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/03/2018

Proposed Penalty:

\$129336.00

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: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.12(d)(1): The employer did not ensure that each employee entering a confined or enclosed space or other areas with dangerous atmospheres was trained to perform all required duties safely.

(a) William E Strait - On or about January 19, 2018, the employer allowed employees to enter confined and enclosed spaces to perform work, such as but not limited to, pulling electrical wire, plumbing, pipe fitting, and arc welding and cutting with a torch, without training the employees on the hazards of confined and enclosed spaces, exposing employees to atmospheric, fire, and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/03/2018

Proposed Penalty:

\$129336.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1915.14(b)(1): Hot work was permitted in dangerous atmospheres before being tested by a competent person and determined to contain no concentrations of flammable vapors equal to or greater than 10 percent of the lower explosive limit.

(a) William E. Strait - On or about January 19, 2018, the employer permitted employees to perform hot work, such as arc welding and cutting with a torch, in an enclosed space with a dangerous atmosphere below the deck locker, where flammable gas was present, without the space being tested to assure it contained no concentrations of flammable vapors equal to or greater than 10 percent of the lower explosive limit, exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/03/2018
Proposed Penalty:	\$129336.00



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

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

29 CFR 1910.1200(f)(6): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the information specified under paragraphs (f)(6)(i) through (ii) of this section, which is applicable to shipyard employment by 29 CFR 1915.1200 that incorporates the General Industry requirement:

- a) Facility Shore side tanks on raised platform: On or about January 19, 2018; the employer exposed employees to fire and explosion hazards from propylene gas stored in tank (a) used on site for cutting steel and did not ensure the container was labeled as to its contents and hazards.
- b) Facility Shore side tanks on raised platform: On or about January 19, 2018; the employer exposed employees to fire and explosion hazards from propylene gas stored in tank (b) used on site for cutting steel and did not ensure the container was labeled as to its contents and hazards.
- c) William E Strait: On or about January 19, 2018; the employer exposed employees to fire/chemical hazards due to the employer requiring employees to use an unlabeled yellow fuel container used on site to transport diesel/Kerosene and did not ensure the container was labeled as to its contents and hazards.

WRBM Holdings LLC DBA First Marine LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.1200(f)(6), which was contained in OSHA inspection number 1077699, citation number 2, item number 5 and was affirmed as a final order on 10/8/2015, with respect to a workplace located at 354 Hollinger Rd, Calvert City, KY 42029.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/03/2018
\$50815.00

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: 1304227
Inspection Date(s): 01/30/2018 - 05/10/2018
Issuance Date: 07/17/2018



Citation and Notification of Penalty

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC

Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029

A handwritten signature in black ink, appearing to read "William Cochran", written over a horizontal line.

William Cochran
Area Director

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

U.S. Department of Labor
Occupational Safety and Health Administration
51 Century Boulevard
Suite 250
Nashville, TN 37214



INVOICE / DEBT COLLECTION NOTICE

Company Name: First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC
Inspection Site: 354 Hollanger Rd, Calvert City, KY 42029
Issuance Date: 07/17/2018

Summary of Penalties for Inspection Number	1304227
Citation 1, Serious	\$84996.00
Citation 2, Willful	\$388008.00
Citation 3, Repeat	\$50815.00
TOTAL PROPOSED PENALTIES	\$523819.00

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.



William Cochran

Area Director

7/17/2018

Date

U.S. Department of Labor

Occupational Safety and Health Administration
Nashville Area Office
51 Century Boulevard, Suite 250
Nashville, TN 37214



July 17, Tuesday 2018

First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC
354 Hollanger Rd
Calvert City KY 42029

Dear Mr. Strait:

An inspection of your workplace at First Marine, LLC, a division of Western Rivers Boat Management, Inc., assumed name for WRBM, LLC on 01/30/2018 disclosed the following hazards:

1). 29 CFR 1915.12(e): The employer neither established a shipyard rescue team nor arranged for an outside rescue team to respond promptly to a request for rescue service.

(a) William E. Strait forward deck locker- On or about January 19, 2018 the employer required employees to enter spaces to perform work such as but not limited to pulling electrical wire, Plumping, Pipe fitting, arc welding and cutting with a torch without establishing a shipyard rescue team or arranging for an outside rescue team to respond promptly to a request for rescue service.

Since no OSHA standard applies and it is not considered appropriate at this time to invoke Executive Order 12196, 1-201(a), the general duty clause of the Executive Order, no Notice or Unsafe or Unhealthful Working Conditions will be issued for these hazards.

In the interest of workplace safety and health, however, I recommend that you take the following steps voluntarily to eliminate or reduce your employees exposure to the hazards described above:

Sincerely,

A handwritten signature in black ink, appearing to read "William Cochran", with a long horizontal flourish extending to the right.

William Cochran
Area Director