

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



Citation and Notification of Penalty

To:
HUTCO, Inc.
114 Park Center St
Broussard, LA 70518

Inspection Number: 1292344
Inspection Date(s): 01/23/2018 -
Issuance Date: 07/17/2018

Inspection Site:
304 Hollinger 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: 1292344

Company Name: HUTCO, Inc.

Inspection Site: 304 Hollinger 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: HUTCO, Inc.
Inspection Site: 304 Hollinger Rd, Calvert City, KY 42029

Citation 1 Item 1 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:

(a) William E Strait - On or about January 19, 2018 employees performed welding, fitting, assembly and other activities where they are exposed to chemical hazards and the employer did not train employees as required.

Date By Which Violation Must be Abated: 08/10/2018
Proposed Penalty: \$4989.00



Citation and Notification of Penalty

Company Name: HUTCO, Inc.
Inspection Site: 304 Hollinger 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 1915.7(b)(1): The employer did not designate one or more shipyard competent persons:

(a) William E Strait - On or about January 19, 2018 employees worked in enclosed and confined spaces with hazardous atmospheres aboard vessels and the employer did not designate a shipyard competent person in accordance with the requirements of this section.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/10/2018
Proposed Penalty:	\$11641.00

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: HUTCO, Inc.
Inspection Site: 304 Hollinger Rd, Calvert City, KY 42029

Citation 1 Item 2 b 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:

(a) William E. Strait - On or about January 19, 2018 employees entered spaces where odor of flammable gas had been detected and the spaces were not tested to determine the oxygen content prior to entry.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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: HUTCO, Inc.
Inspection Site: 304 Hollinger Rd, Calvert City, KY 42029

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

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 - On or about January 19, 2018 employees entered enclosed spaces where odor of flammable gas had been detected and the spaces were not tested to determine the concentration of gas prior to entry.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/10/2018



Citation and Notification of Penalty

Company Name: HUTCO, Inc.
Inspection Site: 304 Hollinger Rd, Calvert City, KY 42029

Citation 1 Item 2 d 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 - During the period January 8, 2018 through January 19, 2018 employees entered enclosed spaces where forced air heaters fueled by propane and diesel were in, where welding, cutting and painting was performed in adjacent spaces and the spaces were not tested to determine the concentration of toxics, corrosives, or irritants prior to entry.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/10/2018



Citation and Notification of Penalty

Company Name: HUTCO, Inc.
Inspection Site: 304 Hollinger Rd, Calvert City, KY 42029

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

29 CFR 1915.12(d)(4)(i): The employer did not provide each employee with training before the entrant began work in confined, enclosed spaces or other dangerous atmospheres:

(a) William E Strait - On or about January 19, 2018 the employer had not trained employees who enter confined and enclosed spaces as required.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/10/2018
Proposed Penalty:	\$11641.00



Citation and Notification of Penalty

Company Name: HUTCO, Inc.
Inspection Site: 304 Hollinger Rd, Calvert City, KY 42029

Citation 1 Item 4 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 - During the period January 8, 2018 through January 19, 2018 employees performed welding, fitting and other work task in enclosed and confined spaces where other contractors created hazards and the employer did not exchange information with other employers working in the same space.

Date By Which Violation Must be Abated: 08/10/2018
Proposed Penalty: \$8315.00



Citation and Notification of Penalty

Company Name: HUTCO, Inc.
Inspection Site: 304 Hollinger Rd, Calvert City, KY 42029

Citation 1 Item 5 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 - On or about January 19, 2018 employees performed hot work such as arc welding in the lower engine room where a flammable gas leak occurred in an adjacent space 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:	08/10/2018
Proposed Penalty:	\$11641.00



Citation and Notification of Penalty

Company Name: HUTCO, Inc.
Inspection Site: 304 Hollinger Rd, Calvert City, KY 42029

Citation 1 Item 6 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:

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 damage, were not tested to 200 psi prior to being placed back in service.

Date By Which Violation Must be Abated:	07/27/2018
Proposed Penalty:	\$4989.00

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: HUTCO, Inc.
Inspection Site: 304 Hollinger Rd, Calvert City, KY 42029

Citation 1 Item 7 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 floor opening around aft end of engines in the upper engine room were not guarded.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$6652.00



Citation and Notification of Penalty

Company Name: HUTCO, Inc.
Inspection Site: 304 Hollinger Rd, Calvert City, KY 42029

Citation 1 Item 8 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: 07/23/2018
Proposed Penalty: \$6652.00

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: HUTCO, Inc.

Inspection Site: 304 Hollinger Rd, Calvert City, KY 42029

Citation 1 Item 9 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:

07/27/2018

Proposed Penalty:

\$6652.00



Citation and Notification of Penalty

Company Name: HUTCO, Inc.
Inspection Site: 304 Hollinger Rd, Calvert City, KY 42029

Citation 1 Item 10 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.

Date By Which Violation Must be Abated:	07/23/2018
Proposed Penalty:	\$8315.00

Occupational Safety and Health Administration

Inspection Date(s): 01/23/2018 -

Issuance Date: 07/17/2018



Citation and Notification of Penalty

Inspection Site: 304 Hollinger 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 11 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 the employer did not train each employee as required. Employees had not been trained on emergency alarms that the host employer, First Marine, had in place.

08/10/2018

\$4989.00



Citation and Notification of Penalty

Company Name: HUTCO, Inc.
Inspection Site: 304 Hollinger Rd, Calvert City, KY 42029

Citation 1 Item 11 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) William E Strait - On or about January 19, 2018 the employer did not train employees as required. The employees had not been trained on evacuation routes that the host employer, First Marine, had in place.

Date By Which Violation Must be Abated:

08/10/2018

A handwritten signature of William Cochran is 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: HUTCO, Inc.
Inspection Site: 304 Hollinger Rd, Calvert City, KY 42029
Issuance Date: 07/17/2018

Summary of Penalties for Inspection Number	1292344
Citation 1, Serious	\$86476.00
TOTAL PROPOSED PENALTIES	\$86476.00

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

HUTCO, Inc.
304 Hollinger Rd
Calvert City KY 42029

Dear Ms. Heidingsfelder:

An inspection of your workplace at HUTCO, Inc. on 01/19/2018 disclosed the following hazards:

1). 29 CFR 1915.12(c)(1)(i): 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 inspected visually by the competent person to determine the presence of toxic, corrosive, or irritant residue contaminants:

(a) William E Strait - During the period January 8, 2018 through January 19, 2018 employees entered enclosed and confined spaces such as the lower engine room and tanks where forced air heaters fueled by diesel and propane were in use and where welding and cutting and painting were performed. The enclosed and confined spaces were not inspected by a competent person prior to entry for the presence of toxic, corrosive, or irritant residue contaminants.

2). 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 or gases:

(a) William E Strait - On or about January 19, 2018 employees entered forward potable water tank which contained flammable gas. Propylene was released in the adjacent space and the tank and adjacent space were not inspected by a competent person prior to entry for presence of combustible or flammable liquids or gases.

3). 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 - During the period January 8, 2018 through January 19, 2018 the employer had not established or arranged for a rescue team and employees entered confined spaces.

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', written in a cursive style.

William Cochran
Area Director