

U.S. Department of Labor Occupational Safety and Health Administration
5104 N Francis Avenue, Suite 200
Oklahoma City, OK 73118



08/05/2021

Blue Bell Creameries, L. P.
and its successors
8201 E HWY 51
Broken Arrow, OK 74014

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (405) 608-4160.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'AKS', with a stylized flourish extending from the 'S'.

Steven A. Kirby
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
5104 N Francis Avenue, Suite 200
Oklahoma City, OK 73118



Citation and Notification of Penalty

To:
Blue Bell Creameries, L. P.
and its successors
8201 E HWY 51
Broken Arrow, OK 74014

Inspection Number: 1517862
Inspection Date(s): 03/02/2021 -
Issuance Date: 08/05/2021

Inspection Site:
8201 E HWY 51
Broken Arrow, OK 74014

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 (405) 608-4160. 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 at www.pay.gov. At the top of the pay.gov homepage, type “OSHA” in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/05/2021. The conference will be held by telephone or at the OSHA office located at 5104 N Francis Avenue, Suite 200, Oklahoma City, OK 73118 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1517862

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014
Issuance Date: 08/05/2021

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, 5104 N Francis Avenue, Suite 200, Oklahoma City, OK 73118.**

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

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

Inspection Number: 1517862
Inspection Date(s): 03/02/2021 -
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.119(d)(3)(i)(B): The employer did not include all equipment that was part of the process on piping and instrument diagrams:

On or about February 13th, 2021, and at times prior thereto, employer did not include all equipment utilized in the +28 re-circulator process in the piping and instrument diagram(s), including but not limited to pressure relief valves and globe valves. Employees are exposed to hazards associated with ammonia exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$13,653.00

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: 1517862
Inspection Date(s): 03/02/2021 -
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.119(h)(2)(ii): The host employer did not inform contract employers of potential fire, explosion or toxic release hazards related to working on or adjacent to a covered process:

Instance a) On or about February 8th, 2021, and at times prior thereto, the host employer did not inform BridgePoint Electric, Inc. on the potential hazards of toxic release when working adjacent to a covered process.

Instance b) On or about February 8th, 2021, and at times prior thereto, the host employer did not inform Kebodeaux Brothers on the potential hazards of toxic release when working adjacent to a covered process.

Instance c) On or about February 13th, 2021, and at times prior thereto, the host employer did not inform American Thermal Systems, Inc. on the potential hazards of toxic release when working adjacent to a covered process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$13,653.00

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: 1517862
Inspection Date(s): 03/02/2021 -
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.119(n): The employer did not implement an emergency plan for the entire plant in accordance with the provisions of 29 CFR 1910.38:

On or about February 13th, 2021, and at times prior thereto, the employer did not implement a safety and health program for responding to an ammonia release. Employees are exposed to the hazards associated with ammonia exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$13,653.00

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: 1517862
Inspection Date(s): 03/02/2021 -
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.120(g)(3)(iii): Positive pressure self-contained breathing apparatus or positive pressure airline respirators equipped with an escape air supply were not used when the chemical exposure levels present created a substantial possibility of immediate death, immediate serious illness or injury, or impair the ability to escape:

On or about February 13th, 2021, and at times prior thereto, employer did not ensure employees responding to an ammonia leak exceeding IDLH conditions wore a Self-Contained Breathing Apparatus (SCBA). Employees were exposed to the hazards associated with ammonia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$13,653.00



Steven A. Kirby
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
5104 N Francis Avenue, Suite 200
Oklahoma City, OK 73118



INVOICE / DEBT COLLECTION NOTICE

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014
Issuance Date: 08/05/2021

Summary of Penalties for Inspection Number: 1517862

Citation 1 Item 1, Serious	\$13,653.00
Citation 1 Item 2, Serious	\$13,653.00
Citation 1 Item 3, Serious	\$13,653.00
Citation 1 Item 4, Serious	\$13,653.00

TOTAL PROPOSED PENALTIES: \$54,612.00

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 at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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.

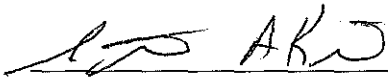
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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 two 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.

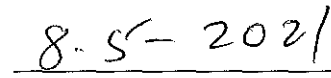
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (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.



Steven A. Kirby
Area Director



Date

U.S. Department of Labor Occupational Safety and Health Administration
5104 N Francis Avenue, Suite 200
Oklahoma City, OK 73118



08/05/2021

Blue Bell Creameries, L. P.
and its successors
8201 E HWY 51
Broken Arrow, OK 74014

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (405) 608-4160.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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

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Sincerely,

A handwritten signature in black ink, appearing to read "S.A. Kirby". The signature is stylized with a large, sweeping initial "S" and a long horizontal line extending to the right.

Steven A. Kirby
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
5104 N Francis Avenue, Suite 200
Oklahoma City, OK 73118



Citation and Notification of Penalty

To:
Blue Bell Creameries, L. P.
and its successors
8201 E HWY 51
Broken Arrow, OK 74014

Inspection Number: 1517709
Inspection Date(s): 03/02/2021 - 06/04/2021
Issuance Date: 08/05/2021

Inspection Site:
8201 E HWY 51
Broken Arrow, OK 74014

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 (405) 608-4160. 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.

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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.

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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.

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NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/05/2021. The conference will be held by telephone or at the OSHA office located at 5104 N Francis Avenue, Suite 200, Oklahoma City, OK 73118 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1517709

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014
Issuance Date: 08/05/2021

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, 5104 N Francis Avenue, Suite 200, Oklahoma City, OK 73118.**

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

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

Inspection Number: 1517709
Inspection Date(s): 03/02/2021 - 06/04/2021
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.119(d)(3)(i)(D): The employer failed to complete and compile information pertaining to equipment in the process and did not include relief system design and design basis:

On or about March 2, 2021, at the Blue Bell Creameries, L.P. facility located in Broken Arrow, Oklahoma, the employer failed to ensure PSI pertaining to the ammonia refrigeration system included the relief system design and design basis to include, but is not limited to the following :

- a. Relief system design and design basis for the ammonia refrigeration system,
- b. 2 PRVs for -28 Re-circulator 526
- c. 2 PRVs for +28 Re-circulator 529
- d. 2 PRVs for High Pressure Receiver 507
- e. 2 PRV for High Stage Compressor 543

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$13,653.00

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: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.119(d)(3)(ii): The employer did not document that equipment complies with recognized and generally accepted good engineering practices.

Instance a). On or about March 2, 2021, at the Blue Bell facility located in Broken Arrow, Oklahoma, the employer did not document that equipment complied with its chosen recognized and generally accepted good engineering practice (RAGAGEP), such as ANSI IIAR-2 2014 (International Institute of Ammonia Refrigeration) section 6.6.2, when pipes penetrating the machinery room separation were not sealed to the wall to which they penetrated.

Instance b). On or about March 2, 2021, at the Blue Bell facility located in Broken Arrow, Oklahoma, the employer did not document that equipment complied with its chosen recognized and generally accepted good engineering practice, such as ANSI IIAR-2 2014 section 6.10.2, when the southwest door of the machinery room was not constructed with a self-closing mechanism and was not constructed to open in the direction of egress for occupants leaving the machinery room.

Instance c). On or about March 2, 2021, at the Blue Bell facility located in Broken Arrow, Oklahoma, the employer did not document that equipment complied with its chosen recognized and generally accepted good engineering practice, such as ANSI IIAR-2 2014 section 6.12.1, when the emergency stop switch for mechanical equipment in the refrigerating machinery room was not installed adjacent to the machinery room door and the function of the switch was not clearly marked by signage.

Instance d). On or about March 2, 2021, at the Blue Bell facility located in Broken Arrow, Oklahoma, the employer did not document that equipment complied with its chosen recognized and generally accepted good engineering practice, such as ANSI IIAR-2 2014 section 6.12.2, when an emergency ventilation control switch for mechanical equipment in the refrigerating machinery room was not installed outside and adjacent to the machinery room door.

Instance e). On or about March 2nd 2021, at the Blue Bell facility located in Broken Arrow, Oklahoma, the employer did not document that equipment complied with its chosen recognized and generally accepted good engineering practice, such as ANSI IIAR-2 2014 section 6.13.1, when audible and visual alarms were not installed inside and outside of each entrance to the machinery room.

Instance f). On or about March 2nd 2021, at the Blue Bell facility located in Broken Arrow, Oklahoma, the employer did not document that equipment complied with its chosen recognized and generally accepted good

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: 1517709
Inspection Date(s): 03/02/2021 - 06/04/2021
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

engineering practice, such as ANSI IIAR-2 2014 section 6.14.7.4, when the failure of the emergency mechanical ventilation system in the machinery failed to notify a monitored location.

Instance g). On or about March 2nd 2021, at the Blue Bell facility located in Broken Arrow, Oklahoma, the employer did not document that it complied with its chosen recognized and generally accepted good engineering practice, such as ANSI IIAR-2 2014 section 6.14.7.1, when the emergency mechanical ventilation system provided less than the required 30 air changes per hour based on the gross machinery room volume.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$13,653.00

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: 1517709
Inspection Date(s): 03/02/2021 - 06/04/2021
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.119(f)(1)(i)(D): The employer's written operating procedures covering the steps for each operating phase did not address emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown in a safe and timely manner.

On or about March 2nd 2021, at Blue Bell Creameries, L.P. located in Broken Arrow, Oklahoma, the employer failed to implement written operating procedures that provide clear instructions and did not address at least emergency shutdown including the conditions under which emergency shutdown is required and the assignment of shutdown responsibility to qualified operators.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$13,653.00

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: 1517709
Inspection Date(s): 03/02/2021 - 06/04/2021
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.119(f)(4): The employer did not develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a facility by maintenance, contractor, laboratory, or other support personnel.

On or about March 2, 2021 at Blue Bell Creameries located in Broken Arrow, OK, the employer did not develop and implement safe work practices to provide for the control of hazards during operations such as control over entrance into a facility by employees, contractor employees, and other support personnel.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$13,653.00

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: 1517709
Inspection Date(s): 03/02/2021 - 06/04/2021
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.119(g)(2): 29 CFR 1910.119(g)(2): Refresher training was not provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process. The employer, in consultation with the employees involved in operating the process, did not determine the appropriate frequency of refresher training.

On or about March 2, 2021 at Blue Bell Creameries located in Broken Arrow, OK the employer did not provide refresher training at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$7,802.00

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: 1517709
Inspection Date(s): 03/02/2021 - 06/04/2021
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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 1910.119(h)(2)(i): The employer, when selecting a contractor, did not obtain and evaluate information regarding the contract employer's safety performance and programs.

On or about March 2, 2021, at Blue Bell Creameries located in Oklahoma, the employer did not evaluate information regarding the safety performance and programs of the following contractors but not limited to:

- a.) Bridge Point Electric, Inc.
- b.) CSC Engineers

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$7,802.00

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: 1517709
Inspection Date(s): 03/02/2021 - 06/04/2021
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.119(h)(2)(v): The employer did not periodically evaluate the performance of contract employers in fulfilling their obligations as specified in paragraph (h)(3) of this section.

On or about March 2, 2021 at Blue Bell Creameries located in Broken Arrow, OK, employer did not periodically evaluate HSSE and safety audit performances for the following contract employers but not limited to:

- a) Bridge Point Electric, Inc.
- b) CSC Engineers

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$0.00

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: 1517709
Inspection Date(s): 03/02/2021 - 06/04/2021
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.119(j)(2): The employer did not establish and implement written procedures to maintain the on-going integrity of process equipment.

On or about March 2, 2021 at the Blue Bell Creameries located in Broken Arrow, OK, the employer did not ensure that written procedures for testing or inspecting of process equipment were implemented including, but not limited to Corrosion Under Insulation (CUI) for ammonia vessels and piping.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$9,753.00

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: 1517709
Inspection Date(s): 03/02/2021 - 06/04/2021
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.119(j)(4)(i): The employer did not perform inspections and tests on process equipment.

On or about March 2, 2021, at Blue Bell Creameries located in Broken Arrow, OK, the employer did not perform testing on process equipment for the ammonia refrigeration systems, including process equipment such as, but not limited to:

- a. Oil Pressure Differential Cut Out for the compressor 533
- b. High and Low Pressure Cut Out for the compressor 538
- c. High temperature Cut out for the compressor 543

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$13,653.00

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: 1517709
Inspection Date(s): 03/02/2021 - 06/04/2021
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

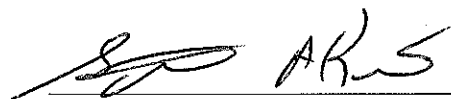
29 CFR 1910.119(l)(1): The employer did not establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process.

On or about March 2, 2021 the employer did not establish and implement written procedures to manage changes for replacing the pump (Ammonia 5 + 28 Recirculator) from Cornell manufacturer to Teikoku USA Inc.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$13,653.00



Steven A. Kirby
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
5104 N Francis Avenue, Suite 200
Oklahoma City, OK 73118



INVOICE / DEBT COLLECTION NOTICE

Company Name: Blue Bell Creameries, L. P.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014
Issuance Date: 08/05/2021

Summary of Penalties for Inspection Number: 1517709

Citation 1 Item 1, Serious	\$13,653.00
Citation 1 Item 2, Serious	\$13,653.00
Citation 1 Item 3, Serious	\$13,653.00
Citation 1 Item 4, Serious	\$13,653.00
Citation 1 Item 5, Serious	\$7,802.00
Citation 1 Item 6a, Serious	\$7,802.00
Citation 1 Item 6b, Serious	\$0.00
Citation 1 Item 7, Serious	\$9,753.00
Citation 1 Item 8, Serious	\$13,653.00
Citation 1 Item 9, Serious	\$13,653.00

TOTAL PROPOSED PENALTIES: **\$107,275.00**

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 at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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.

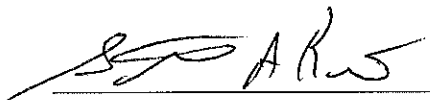
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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 two 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.



Steven A. Kirby

Area Director

8-5-2021

Date

U.S. Department of Labor Occupational Safety and Health Administration
5104 N Francis Avenue, Suite 200
Oklahoma City, OK 73118



08/05/2021

American Thermal Systems, Inc.
and its successors
112 Commercial Circle
Conroe, TX 77304

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (405) 608-4160.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'S.A. Kirby', with a stylized flourish at the end.

Steven A. Kirby
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
5104 N Francis Avenue, Suite 200
Oklahoma City, OK 73118



Citation and Notification of Penalty

To:

American Thermal Systems, Inc.
and its successors
112 Commercial Circle
Conroe, TX 77304

Inspection Number: 1517935

Inspection Date(s): 03/05/2021 -

Issuance Date: 08/05/2021

Inspection Site:

8201 E HWY 51
Broken Arrow, OK 74014

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 (405) 608-4160. 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 at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type “OSHA” in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/05/2021. The conference will be held by telephone or at the OSHA office located at 5104 N Francis Avenue, Suite 200, Oklahoma City, OK 73118 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1517935

Company Name: American Thermal Systems, Inc.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014
Issuance Date: 08/05/2021

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, 5104 N Francis Avenue, Suite 200, Oklahoma City, OK 73118.**

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

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

Inspection Number: 1517935
Inspection Date(s): 03/05/2021 -
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: American Thermal Systems, Inc.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.134(d)(1)(i): The employer did not select appropriate respirators and cartridges based on the respiratory hazard(s) to which the worker(s) were exposed:

On or about February 13th, 2021, and at times prior thereto, employees were provided with 3D N95 and half mask respirators utilizing organic vapor cartridges while working in ammonia concentrated atmosphere. Employees were exposed to the hazards associated with ammonia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 19, 2021
\$9,557.00

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: 1517935
Inspection Date(s): 03/05/2021 -
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: American Thermal Systems, Inc.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

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

On or about February 13th, 2021, and at times prior thereto, an evaluation of respiratory hazards at the job-site was not conducted and did not consider ammonia as a hazard while working in a Process Safety Management covered facility. Employees were exposed to the hazards associated with ammonia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 26, 2021
\$0.00

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: 1517935
Inspection Date(s): 03/05/2021 -
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: American Thermal Systems, Inc.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.134(e)(1): The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

On or about February 13th, 2021, and at times prior thereto, medical evaluations were not given to employees prior to the issue of respirators to be used on the job-site. Employees are exposed to the hazards associated with respirator use and ammonia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 26, 2021
\$9,557.00

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: 1517935
Inspection Date(s): 03/05/2021 -
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: American Thermal Systems, Inc.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

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

On or about February 13th, 2021, and at times prior thereto, employees were not fit tested prior to being issued respirators for use on the job-site. Employees were exposed to the hazards associated with ammonia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$9,557.00

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: 1517935
Inspection Date(s): 03/05/2021 -
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: American Thermal Systems, Inc.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.134(g)(1)(i)(A): Facial hair that comes between the sealing surface of the facepiece and the face or that interferes with valve function;

On or about February 13th, 2021, and at times prior thereto, employer did not ensure employees required to wear respirators were clean shaven when issued a respirator for use. Employees are exposed to the hazards associated with respirator use and ammonia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 26, 2021
\$9,557.00

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: 1517935
Inspection Date(s): 03/05/2021 -
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: American Thermal Systems, Inc.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1910.134(I)(1): The employer shall conduct evaluations of the workplace as necessary to ensure that the provisions of the current written program are being effectively implemented and that it continues to be effective.

On or about February 13th, 2021, and at times prior thereto, provisions were not taken to ensure the written respiratory protection program was implemented prior to the start of the project. Employees are exposed to the hazards associated with respirator use and ammonia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 17, 2021
\$4,096.00

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: 1517935
Inspection Date(s): 03/05/2021 -
Issuance Date: 08/05/2021



Citation and Notification of Penalty

Company Name: American Thermal Systems, Inc.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014

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

29 CFR 1904.7(b)(6): Employer must record a work-related injury or illness if the worker becomes unconscious, regardless of the length of time the employee remains unconscious.

On or about February 13th, 2021, and at times prior thereto, the employer improperly classified an employee injury and did not note the employee loss of consciousness on the OSHA Form 300.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 12, 2021
\$1,366.00

A handwritten signature in black ink, appearing to read "S. Kirby".

Steven A. Kirby
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
5104 N Francis Avenue, Suite 200
Oklahoma City, OK 73118



INVOICE / DEBT COLLECTION NOTICE

Company Name: American Thermal Systems, Inc.
Inspection Site: 8201 E HWY 51, Broken Arrow, OK 74014
Issuance Date: 08/05/2021

Summary of Penalties for Inspection Number: 1517935

Citation 1 Item 1a, Serious	\$9,557.00
Citation 1 Item 1b, Serious	\$0.00
Citation 1 Item 2, Serious	\$9,557.00
Citation 1 Item 3, Serious	\$9,557.00
Citation 1 Item 4, Serious	\$9,557.00
Citation 1 Item 5, Serious	\$4,096.00
Citation 2 Item 1, Other-than-Serious	\$1,366.00

TOTAL PROPOSED PENALTIES: **\$43,690.00**

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 at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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 two 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.



Steven A. Kirby
Area Director

8-5-2021

Date