

U.S. Department of Labor

Occupational Safety and Health Administration
Shattuck Office Center
138 River Road, Suite 102
Andover, MA 01810
Phone: (978)837-4460 FAX: (978) 837-4455



Citation and Notification of Penalty

To:
Bostik, Inc.
and its successors
211 Boston Street
Middleton, MA 01949-2128

Inspection Number: 315298307
Inspection Date(s): 03/14/2011-
Issuance Date: 09/12/2011

Inspection Site:
211 Boston Street
Middleton, MA 01949-2128

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 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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

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

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal

conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 4 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.

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

Notification of Corrective Action - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

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 your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/12/2011. The conference will be held at the OSHA office located at Shattuck Office Center, 138 River Road, Suite 102, Andover, MA, 01810 on _____ at _____.

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

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CERTIFICATE OF CORRECTION

The undersigned certifies that on _____, all of the violations cited on
(date)

OSHA Citation # _____ issued on _____, were corrected and that a
(date)

copy of this Certificate of Correction was posted on _____ in a manner and place
(date)

for review by affected employees.

Employer's Signature



Citation and Notification of Penalty

Company Name: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

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

29 CFR 1910.119(c)(1): The employer did not develop a written plan of action regarding the implementation of the employee participation required by 29 CFR 1910.119:

(a) Location - Direct Solvation - Building 9:

On or about 3/13/11, the employer did not develop a written plan of action regarding the implementation of employee participation in the development of a process safety management plan or process hazard analysis.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.119(c)(2): The employer did not consult with employees and their representative on the conduct and development of process hazard analyses:

(a) Location - Direct Solvation - Building 9:

On or about 3/13/11, the employer did not include employee involvement by non lead employees in the development of the process hazard analysis (PHA), standard operating procedures, mechanical integrity and incident investigations

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00

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: Bostik, Inc.
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.119(d)(3)(i)(H): Process safety information pertaining to the equipment in the process did not include the safety systems (e.g. interlocks, detection or suppression systems):

(a) Location - Direct Solvation, Building 9:

On or about 3/13/11, the process safety information (PSI) pertaining to the equipment in the process did not include documentation that equipment, including but not limited to valves, electrical wiring and safety systems such as interlocks and suppression systems, complied with recognized and generally accepted good engineering practices (RAGAGEP).

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

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

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

(a) Location - Direct Solvation, Building 9:

On or about 3/13/11, the process safety information (PSI) pertaining to the equipment in the process did not include documentation that equipment, including but not limited to valves, electrical wiring and safety systems such as interlocks and suppression systems, complied with recognized and generally accepted good engineering practices (RAGAGEP).

Date By Which Violation Must be Abated: 10/27/2011

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

29 CFR 1910.119(e)(3)(i): The process hazard analysis did not address the hazards of the process:

(a) Location - Direct Solvation - Building 9:

On or about 3/13/11, the process hazard analysis (PHA) did not identify the hazards of power failure.

Date By Which Violation Must be Abated: 10/27/2011
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

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

29 CFR 1910.119(e)(3)(ii): The process hazard analysis did not identify any previous incident which had a likely potential for catastrophic consequences in the workplace:

(a) Location - Direct Solvation - Building 9:

On or about 3/13/11, the process hazard analysis (PHA) did not identify the following incidents:

1. In March 2009, a rupture disk blew resulting in a 1,000 pound spill of MEK, toluene, and polyester resin.
2. In March 2009, a rupture disk blew resulting in a 15 gallon spill of MEK.
3. In April 2009, an over-pressurization in the Solvator resulted in a spill of MEK.
4. In October 2009, a power outage occurred at the facility resulting in fires in the freezer pumps.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.119(e)(3)(iii): The process hazard analysis did not address the engineering and administrative controls applicable to the hazards and their interrelationship, such as, appropriate of detection methodologies to provide early warning of releases:

(a) Location - Direct Solvation - Building 9:

On or about 3/13/11, the employer's process hazard analysis did not identify appropriate safeguards to control high consequence hazards such as leaving valves open. The employer instead used administrative controls such as training and procedures to safeguard against catastrophic hazards where engineering controls should have been used.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00

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: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

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

29 CFR 1910.119(e)(5): The employer did not establish a system to promptly address the process hazard analysis team's findings and recommendations:

(a) Location - Direct Solvation - Building 9:

On or about 3/13/11, the employer did not adequately address team findings and recommendations in the Solvator process hazard analysis (PHA) in a timely manner or that the resolution was documented and closed, such as but not limited to:

- 1) The recommendation for verifying that the pressure relief valves were in place and what the valve was rated for;
- 2) The recommendation that a check valve be installed to prevent back flow when adding flammable liquids to the Solvator;
- 3) The recommendation to upgrade the Solvator cooling system;
- 4) The recommendation to automate pressure control for Nitrogen; and
- 5) The recommendation to add relief valve in filter housing to vent back to Solvator.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

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

29 CFR 1910.119(f)(1): The employer did not develop and implement written operating procedures that provided clear instructions for safety conducting activities in each covered process consistent with the process safety information and which addressed the elements listed in 29 CFR 1910.119(f)(1)(i) through (f)(1)(iv):

(a) Location - Direct Solvation:

On or about 3/13/11, operating procedures were not developed and implemented to address communication and other activities involving shift changes.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.119(f)(1)(i)(C): The employer's written operating procedures covering the steps for each operating phase did not address temporary operations:

(a) Location - Direct Solvation, Building 9:

On or about 3/13/11, the written operating procedure, DS-028; Rev: 2-Breaking Vacuum on R8, did not provide procedures for operating the backup vacuum pumps.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

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

29 CFR 1910.119(f)(1)(i)(E): The employer's written operating procedures covering the steps for each operating phase did not address emergency operations:

(a) Location - Direct Solvation, Building 9:

On or about 3/13/11, the written operating procedure, DS-028; Rev: 2-Breaking Vacuum on R8, did not adequately outline the specific steps to be performed to stop the process in the event of an emergency.

(b) Location - Direct Solvation, Building 9:

On or about 3/13/11, the written operating procedure, DS-011; Rev: 2 Transfer of Resin from R8 to Solvator did not describe symptoms that would indicate a potential emergency condition nor did it address methods of investigation if one of these symptoms is observed. Further, the company did not have an operating procedure to describe what to do in the event that a potential flammable mixture has been released into the facility.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

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

29 CFR 1910.119(f)(1)(ii)(A): The employer's written operating procedures covering the operating limits did not address consequences of deviation beyond such operating limits:

(a) Location - Direct Solvation, Building 9:

On or about 3/13/11, the written operating procedure, DS-028; Rev: 2-Breaking Vacuum on R8, did not adequately address consequences of deviation beyond operating limits.

(b) Location - Direct Solvation, Building 9:

On or about 3/13/11, the written operating procedure DS-011; Rev:2 - Transfer of Resin from R8 to Solvator, did not address consequences of mixing of high temperature product with solvent in the solvator.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

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

29 CFR 1910.119(f)(1)(ii)(B): The employer's written operating procedures covering the operating limits did not address the steps required to correct or avoid deviation beyond such operating limits:

(a) Location - Direct Solvation, Building 9:

On or about 3/13/11, the written operating procedure, DS-028; Rev: 2-Breaking Vacuum on R8, did not adequately address the steps required to correct or avoid deviation beyond operating limits.

(b) Location - Direct Solvation, Building 9:

On or about 3/13/11, the written operating procedure DS-011; Rev:2 - Transfer of Resin from R8 to Solvator, did not include the steps required to correct or avoid mixing high temperature product with solvent in the solvator.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.119(g)(2): The employer did not provide refresher training at least every three years to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process:

(a) Direct Solvation - Building 9:

On or about 3/13/11, the employer did not provide refresher training and assure that employees understood current operating procedures.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.119(h)(2)(ii): The employer did not inform contract employers of the known potential fire, explosion, or toxic release hazards related to the contractor's work and the process:

(a) Location - Direct Solvation - Building 9:

On or about 3/13/11, the employer did not inform electrical contract employees working on or near a covered process of the known fire and explosion hazards.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00

Citation 1 Item 15 Type of Violation: **Serious**

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

(a) Location - Direct Solvation - Building 9:

On or about 3/13/11, the company did not have a written mechanical integrity program that addressed the preventive maintenance, inspection and testing for pumps.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

Citation 1 Item 16 Type of Violation: **Serious**

29 CFR 1910.119(j)(4)(iii): The frequency of inspections and tests of process equipment to maintain its mechanical integrity, was not consistent with applicable manufacturers' recommendations and good engineering practices, or more frequently determined to be necessary by prior operating experience:

(a) Location - Direct Solvation, Building 9:

On or about 3/13/11, inspection and testing frequency of the process vapor ventilation system was not frequent enough to prevent clogging of vapor system components due to excessive buildup of vapor condensate.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00

Citation 1 Item 17 Type of Violation: **Serious**

29 CFR 1910.119(j)(5): The employer did not correct deficiencies in equipment that were outside acceptable limits (as defined by process information in 29 CFR 1910.119(d)) before further use or in a safe and timely manner:

(a) Location - Direct Solvation - Building 9:

On or about 3/13/11, the employer did not correct deficiencies on process equipment before further use or in a timely manner.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00

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: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

Citation 1 Item 18 Type of Violation: **Serious**

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

(a) Location - Direct Solvation, Building 9:

On or about 3/13/11, the procedure followed in managing the change of two manually controlled valves with an air actuated valve was not adequately implemented.

Date By Which Violation Must be Abated: 10/27/2011
Proposed Penalty: \$ 7000.00

Citation 1 Item 19 Type of Violation: **Serious**

29 CFR 1910.119(l)(4): A change covered by 29 CFR 1910.119(l) resulted in a change in the process safety information required by 29 CFR 1910.119(d) and the process information was not updated:

(a) Location - Direct Solvation, Building 9:

On or about 3/13/11, the piping & instrument diagrams (P&ID) for the solvator was not updated to show the replacement of two manual valves with a single air actuated valve/transfer valve.

Date By Which Violation Must be Abated: 10/27/2011
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

Citation 1 Item 20 Type of Violation: **Serious**

29 CFR 1910.119(l)(5): A change covered 29 CFR 1910.119(l) resulted in a change in the operating procedures or practices required by 29 CFR 1910.119(f), and such procedures or practices were not updated:

(a) Location - Direct Solvation, Building 9:

On or about 3/13/11, the operating procedure DS-011; Rev: 2 - Transfer of Resin from R8 to Solvator, was not updated to reflect the replacement of two manual valves referenced in the procedure with a single air actuated valve/transfer valve.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00

Citation 1 Item 21 Type of Violation: **Serious**

29 CFR 1910.119(m)(1): The employer did not investigate each incident which resulted in, or could reasonably have resulted in, a catastrophic release of a highly hazardous chemical in the workplace:

(a) Location - Direct Solvation - Building 9:

On or about 3/13/11, the employer did not conduct an investigation of an incident that occurred prior to the explosion in which solvent was added to high temperature product in the Solvator prior to cooling resulting in a vapor release of polyester distillate.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00

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: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

Citation 1 Item 22 Type of Violation: **Serious**

29 CFR 1910.119(m)(5): The employer did not establish a system to promptly address and resolve the incident investigation report findings and recommendations:

(a) Location - Direct Solvation, Building 9:

On or about 3/13/11, recommendations made to resolve findings resulting from an incident investigation conducted on 10/24/2008, which involved a vapor release due to clogged vent lines, had not been resolved.

(b) Location - Polyurethane:

On or about 3/13/11, recommendations made to resolve findings resulting from an incident investigation conducted on 09/13/2010, which involved over pressurization of a vessel due to a plugged flame arrestor, had not been resolved.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00

Citation 1 Item 23 Type of Violation: **Serious**

29 CFR 1910.178(l)(3)(ii)(F)

Powered industrial truck operators did not receive initial training in the workplace related topic of Hazardous (classified) locations where the vehicle will be operated.

(a) Location - Direct Solvation - Building 9:

On or about 3/13/11, the employer did not train their powered industrial truck operators on the hazards of operating in a classified location.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 7000.00

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: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

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

29 CFR 1910.119(d)(3)(i): Process safety information (PSI) pertaining to the equipment in the process did not include the elements specified in 29 CFR 1910.119(d)(3)(i)(A) through (H):

(a) Location - Direct Solvation, Building 9:

On or about 3/13/11, the process safety information (PSI) pertaining to the equipment in the process was not adequate; examples include but are not limited to:

- 1) PSI for the emergency relief systems was missing elements such as but not limited to design codes and upset scenarios.
- 2) PSI for the process vapor capture system was missing elements such as but not limited to design codes, materials of construction, and limitations of the system.
- 3) PSI for piping/pumps was missing elements such as but not limited to materials of construction, pump curves and compatibilities between the pumps and piping.
- 4) PSI for flexible hoses was not available.
- 5) The PSI related to ventilation system design was missing elements such as but not limited to the volume of the process areas, surface area of exhaust vents, the number of air changes per hour and did not identify the areas where the exhaust system discharged.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 70000.00

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: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

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

29 CFR 1910.119(e)(3)(ii): The process hazard analysis did not identify previous incidents which had a likely potential for catastrophic consequences in the workplace:

(a) Location - Direct Solvation - Building 9, Solvent Cement - Building 24 and Polyester - Building 36:
On or about 3/13/11, the process hazard analysis (PHA) did not address the following incidents to control impacts to process equipment from powered industrial vehicles including damage to ventilation trunks, storage racks, water lines and electrical equipment.

- 1) In Direct Solvation on 11/4/09, a ventilation trunk was struck by a tote being lifted by a forklift.
- 2) In Solvent Cement on 11/2/09 a forklift struck a storage rack.
- 3) In Polyester Building 36, on 4/27/09, a forklift struck a water line causing it to rupture and also damaged an electrical box.

Date By Which Violation Must be Abated:	10/27/2011
Proposed Penalty:	\$ 70000.00



Citation and Notification of Penalty

Company Name: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-1128

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

29 CFR 1910.119(e)(3)(vi): The process hazard analysis did not address human factors:

(a) Location - Direct Solvation, Building 9:

On or about 3/13/11, the process hazard analysis (PHA) did not address human factors including, but not limited to, shift changes for operators, operator error, critical alarms or sounds, and excessive overtime.

Date By Which Violation Must be Abated: 10/27/2011
Proposed Penalty: \$ 70000.00

Citation 2 Item 4 Type of Violation: **Willful**

29 CFR 1910.178(m)(11): Only approved industrial trucks were not used used in hazardous locations.

(a) Location - Direct Solvation - Building 9:

On or about 3/13/11, three electric powered industrial trucks designated as "E" were used in Class I hazardous locations.

Date By Which Violation Must be Abated: 10/27/2011
Proposed Penalty: \$ 70000.00



Jeffrey A. Erskine
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration
Shattuck Office Center
138 River Road, Suite 102
Andover, MA 01810
Phone: (978)837-4460 FAX: (978)837-4455



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Bostik, Inc.
Inspection Site: 211 Boston Street, Middleton, MA 01949-2128
Issuance Date: 09/12/2011

Summary of Penalties for Inspection Number 315298307

Citation 1, Serious	= \$ 161,000.00
Citation 2, Willful	= \$ 280,000.00
TOTAL PROPOSED PENALTIES	= \$ 441,000.00

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.

OSHA does not agree to any restrictions or conditions put on any check or money order 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 5%. 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

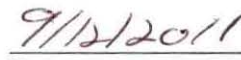
file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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 (5%) 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.



Jeffrey A. Erskine
Area Director



Date