

U.S. Department of Labor

Occupational Safety and Health Administration
William Cotter Federal Building
135 High Street, Suite 361
Hartford, CT 06103
Phone: 860-240-3152 Fax: 860-240-3155



Citation and Notification of Penalty

To:
The Gilman Brothers Company
and its successors
P.O Box 38
Gilman, CT 06336

Inspection Number: 909370
Inspection Date(s): 05/31/2013 - 11/25/2013
Issuance Date: 11/27/2013

Inspection Site:
Gilman Road
Gilman, CT 06336

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

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

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

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

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 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 11/27/2013. The conference will be held by telephone or at the OSHA office located at William Cotter Federal Building, 135 High Street, Suite 361, Hartford, CT 06103 on

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 909370

Company Name: The Gilman Brothers Company
Inspection Site: Gilman Road, Gilman, CT 06336
Issuance Date: 11/27/2013

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, William Cotter Federal Building, 135 High Street, Suite 361, Hartford, CT 06103

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

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Citation and Notification of Penalty

Company Name: The Gilman Brothers Company
Inspection Site: Gilman Road, Gilman, CT 06336

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 1910.119(d)(3)(i)(B): The employer's piping and instrument diagrams did not include information that provided specific identification of equipment that is part of the process:

A. On or about May 31, 2013, Facility: The employer's piping and instrumentation diagrams did not include information, such as, but not limited to: The set pressure for the pressure relief valves installed on the 18,000-gallon isopentane vessel or the pressure relief valves at the Corken pumps, the maximum allowable working pressure on the isopentane vessel, and documentation of the pressure relief stacks provided.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/03/2014
Proposed Penalty:	\$5390.00

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: 909370
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Issuance Date: 11/27/2013



Citation and Notification of Penalty

Company Name: The Gilman Brothers Company
Inspection Site: Gilman Road, Gilman, CT 06336

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

29 CFR 1910.119(d)(3)(i)(D): The employer did not include, in the process safety information compilation, the relief system design and the design basis:

A. On or about May 31, 2013, Facility: The process safety information maintained by the employer did not include information on the relief system design basis for the two Fisher H282-250 Series Large Internal Spring Relief Valves installed on the isopentane vessel and the two Corken B166 pressure relief valves.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/03/2014

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: 909370
Inspection Date(s): 05/31/2013 - 11/25/2013
Issuance Date: 11/27/2013



Citation and Notification of Penalty

Company Name: The Gilman Brothers Company
Inspection Site: Gilman Road, Gilman, CT 06336

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

29 CFR 1910.119(d)(3)(i)(F): Design codes and standards pertaining to the equipment in the process were not compiled before conducting any process safety analysis required by this standard:

A. On or about May 31, 2013, Facility: The employer had not documented the design codes employed in designing the pressure relief system for the process using isopentane as a blowing agent.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/03/2014

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: The Gilman Brothers Company
Inspection Site: Gilman Road, Gilman, CT 06336

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:

A. On or about May 31, 2013, Facility: The employer did not comply with a RAGAGEP, such as, but not limited to ASME Boiler and Pressure Vessel Code, Section VIII or API 520, in that:

1. The employer did not document the inlet pressure drop for pressure relief valves used to protect the pressure vessel containing isopentane.
2. The employer did not document the built up back pressure of the pressure relief valves used to protect the pressure vessel containing isopentane.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2014
\$3850.00

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

Inspection Number: 909370
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Issuance Date: 11/27/2013



Citation and Notification of Penalty

Company Name: The Gilman Brothers Company
Inspection Site: Gilman Road, Gilman, CT 06336

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

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

29 CFR 1910.119(e)(3)(iv): The process hazard analysis did not consider consequences of failure of engineering and administrative controls:

A. On or about May 31, 2013, Facility: The process hazard analysis provided by the employer did not take into consideration the consequences of failure of engineering and administrative controls, such as, but not limited to, failure of Drager gas detection system.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2014
\$5390.00

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: 909370
Inspection Date(s): 05/31/2013 - 11/25/2013
Issuance Date: 11/27/2013



Citation and Notification of Penalty

Company Name: The Gilman Brothers Company
Inspection Site: Gilman Road, Gilman, CT 06336

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

29 CFR 1910.119(e)(3)(v): The process hazard analysis did not address facility siting:

A. On or about May 31, 2013, Facility: The employer did not consider the effects an overpressure and rupture of the pressure vessel of isopentane would have on the occupied structures on the site.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/03/2014

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: 909370
Inspection Date(s): 05/31/2013 - 11/25/2013
Issuance Date: 11/27/2013



Citation and Notification of Penalty

Company Name: The Gilman Brothers Company
Inspection Site: Gilman Road, Gilman, CT 06336

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

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

A. On or about May 31, 2013, Facility: The company's process hazard analysis did not consider the following:

1. Shift changes and the circumstances that could effect processes, such as the maintenance of covered equipment.
2. Employee fatigue, as the employer operates the covered process on a 3-shift schedule.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/03/2014

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

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Issuance Date: 11/27/2013



Citation and Notification of Penalty

Company Name: The Gilman Brothers Company
Inspection Site: Gilman Road, Gilman, CT 06336

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

29 CFR 1910.119(f)(3): The employer did not annually certify that operating procedures were current and accurate:

A. On or about May 31, 2013, Facility: The employer had not reviewed written operating procedures annually, including, but not limited to the following:

1. The operating procedure for receiving isopentane, File #PP-740, was dated October 20, 2005 and had not been reviewed annually.
2. The company's Emergency Action Plan, File #PP-887-02, was dated January 19, 2011 and had not been reviewed within the past year. The Emergency Action Plan included emergency shut down procedures for process equipment.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2014
\$3850.00

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: 909370
Inspection Date(s): 05/31/2013 - 11/25/2013
Issuance Date: 11/27/2013



Citation and Notification of Penalty

Company Name: The Gilman Brothers Company
Inspection Site: Gilman Road, Gilman, CT 06336

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

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

A. On or about May 31, 2013, Line 9: Portable fire extinguishers at locations L1, L2, L3 were not mounted. They were located on the floor and were subject to tipping over. There was no portable fire extinguisher present in position L4.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3850.00

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: 909370
Inspection Date(s): 05/31/2013 - 11/25/2013
Issuance Date: 11/27/2013



Citation and Notification of Penalty

Company Name: The Gilman Brothers Company
Inspection Site: Gilman Road, Gilman, CT 06336

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

29 CFR 1910.157(g)(2): The educational program to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting was not provided to all employees upon initial employment, and at least annually thereafter:

A. On or about May 31, 2013, Facility: All employees who were authorized to remain on site after an emergency evacuation to fight incipient stage fires had not been trained annually on proper portable fire extinguisher usage.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/16/2014
\$3850.00

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: 909370
Inspection Date(s): 05/31/2013 - 11/25/2013
Issuance Date: 11/27/2013



Citation and Notification of Penalty

Company Name: The Gilman Brothers Company
Inspection Site: Gilman Road, Gilman, CT 06336

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

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

A. On or about May 31, 2013, Facility: The employer had not performed inspections and tests on process equipment, including, but not limited to: Pressure vessels; piping systems; valves; relief and vent systems and devices; emergency shutdown systems; monitoring devices and sensors; alarms; interlocks; and pumps used in the process where isopentane was used as a blowing agent.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/03/2014
\$53900.00

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: The Gilman Brothers Company
Inspection Site: Gilman Road, Gilman, CT 06336

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

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

A. On or about May 31, 2013, Facility: The employer had not developed and implemented specific written procedures to address regular inspections and preventive maintenance to covered processes in accordance with recognized and generally accepted good engineering practices. The procedures would need to cover tanks, pumps, piping and process equipment used for the foam board production line that used isopentane as a blowing agent.

The Gilman Brothers Company was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard (1910.119(j)(2)), which was contained in OSHA inspection number 311759021, Citation Number 1, Item Number 10a and was affirmed as a final order on March 16, 2009, with respect to a workplace located at Gilman Road, Gilman, Connecticut.

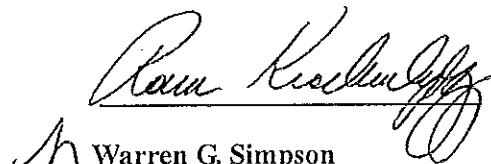
ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/03/2014

Proposed Penalty:

\$10780.00


Warren G. Simpson
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
William Cotter Federal Building
135 High Street, Suite 361
Hartford, CT 06103
Phone: 860-240-3152 Fax: 860-240-3155



INVOICE / DEBT COLLECTION NOTICE

Company Name: The Gilman Brothers Company
Inspection Site: Gilman Road, Gilman, CT 06336
Issuance Date: 11/27/2013

Summary of Penalties for Inspection Number	909370
Citation 1, Serious	\$26180.00
Citation 2, Willful	\$53900.00
Citation 3, Repeat	\$10780.00
TOTAL PROPOSED PENALTIES	\$90860.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your

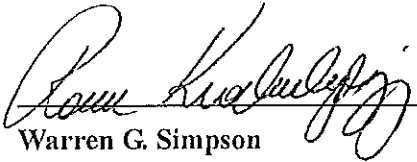
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Warren G. Simpson

11/27/13

Date

Area Director