
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

U.S. Department of Labor
2900 4th Avenue North, Suite 303
Billings, Montana 59101

CITATION RECEIPT VERIFICATION:

Employer signature indicates that citations have been received and does not constitute admission of the violation(s).

CITATIONS issued as a result of Inspection No. 1099265 were

hand delivered to Tim LEDFORD *Tim Leford*
(employer signature)

on 04/05/2016
(date)

Occupational Safety & Health Administration

Roy Boesfling
(compliance officer signature)

04/05/2016
(date)

(Area Office Use Only)

15 days 4/26/16

U.S. Department of Labor

Occupational Safety and Health Administration
2900 4th Avenue North, Suite 303
Billings, MT 59101
Phone: 406-247-7494 Fax: 406-247-7499



Citation and Notification of Penalty

To:
U.S. Minerals Inc.
2105 North Winds Drive
Dyer, IN 46311

Inspection Number: 1099265
Inspection Date(s): 10/06/2015 - 03/24/2016
Issuance Date: 04/04/2016

Inspection Site:
800 Main Street
Anaconda, MT 59711

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 \$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 04/04/2016. The conference will be held by telephone or at the OSHA office located at 2900 4th Avenue North, Suite 303, Billings, MT 59101 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1099265

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711
Issuance Date: 04/04/2016

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, 2900 4th Avenue North, Suite 303, Billings, MT 59101**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator was competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l):

a) U.S. Minerals-Anaconda, MT site: On or about October 21, 2015, and at times prior, employees were exposed to struck by hazards while an untrained employee was using the GEHL RS8-42 All Terrain Forklift to transfer material. The employee did not receive the formal instruction or the practical training required by the standard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/20/2016
Proposed Penalty:	\$5500.00



Citation and Notification of Penalty

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

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

29 CFR 1910.1018(c): Employees were exposed to inorganic arsenic at concentrations greater than ten micrograms per cubic meter of air, averaged over an 8-hour period:

- a) U.S. Minerals-Anaconda, MT site: On or about November 03, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. Personal air sampling performed for 410 minutes indicated an exposure to 0.0125 milligrams per cubic meter of air, approximately 1.25 times the PEL. Zero exposure was assumed for the 70 minutes not sampled.
- b) U.S. Minerals-Anaconda, MT site: On or about November 03, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. Personal air sampling performed for 325 minutes indicated an exposure to 0.0156 milligrams per cubic meter of air, approximately 1.56 times the PEL. Zero exposure was assumed for the 155 minutes not sampled.
- c) U.S. Minerals-Anaconda, MT site: On or about November 03, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. Personal air sampling performed for 390 minutes indicated an exposure to 0.0125 milligrams per cubic meter of air, approximately 1.25 times the PEL. Zero exposure was assumed for the 90 minutes not sampled.
- d) U.S. Minerals-Anaconda, MT site: On or about November 04, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change

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: U.S. Minerals Inc.

Inspection Site: 800 Main Street, Anaconda, MT 59711

out, collecting quality control samples, and general labor operations. Personal air sampling performed for 375 minutes indicated an exposure to .0475 milligrams per cubic meter of air, approximately 4.75 times the PEL. Zero exposure was assumed for the 105 minutes not sampled.

e) U.S. Minerals-Anaconda, MT site: On or about November 05, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. Personal air sampling performed for 385 minutes indicated an exposure to .0367 milligrams per cubic meter of air, approximately 3.67 times the PEL. Zero exposure was assumed for the 95 minutes not sampled.

f) U.S. Minerals-Anaconda, MT site: On or about October 21, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. Personal air sampling performed for 182 minutes indicated an exposure to 0.0174 milligrams per cubic meter of air, approximately 1.74 times the PEL. Zero exposure was assumed for the 298 minutes not sampled.

Abatement Note: Abatement of this item will normally be multi-step as follows:

1. Effective respiratory protection shall be provided and used by exposed employees as an interim protective measure until feasible engineering and/or administrative controls can be implemented or whenever such controls fail to reduce employee exposure to within exposure limits.

STEP 1 ABATEMENT DATE (15 DAYS):

2. Submit to the Area Director a written detailed plan of abatement outlining a schedule for the implementation of engineering and /or administrative measures to control employee exposures to the hazardous substance referenced in this citation. The plan shall include, at a minimum, target dates for the following actions which should be consistent with the dates required by this citation:

- a. Evaluation of the extent and location of the hazard source;
- b. Evaluation of control measure options;
- c. Selection of optimum control measures;

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: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

- d. Determination of control measure design;
- e. Ordering and delivery of equipment;
- f. Installation of control measures;
- g. Training of employees in proper operation and maintenance of newly implemented control measures; and
- h. Assurance of the effective performance of control measures.

All proposed control measures shall be evaluated for each particular use by a competent Industrial Hygienist or other technically qualified person. Thirty day progress reports are required during the abatement period. The progress report must identify the action taken to achieve abatement and the date the action was taken.

STEP 2 ABATEMENT DATE (60 DAYS):

3. Abatement will be completed by the implementation of feasible engineering and/or administrative controls and upon verification of their effectiveness in achieving compliance.

STEP 3 ABATEMENT DATE (120 DAYS):

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/03/2016
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1018(g)(1)(i): Engineering and work practice controls were not instituted to reduce inorganic arsenic exposure to or below permissible exposure limit:

a) U.S. Minerals-Anaconda, MT site: On or about November 03, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. The employer failed to institute engineering and work practice controls to reduce inorganic arsenic exposure to or below the PEL.

Abatement Note: Abatement of this item will normally be multi-step as follows:

1. Effective respiratory protection shall be provided and used by exposed employees as an interim protective measure until feasible engineering and/or administrative controls can be implemented or whenever such controls fail to reduce employee exposure to within exposure limits.

STEP 1 ABATEMENT DATE (15 DAYS):

2. Submit to the Area Director a written detailed plan of abatement outlining a schedule for the implementation of engineering and /or administrative measures to control employee exposures to the hazardous substance referenced in this citation. The plan shall include, at a minimum, target dates for the following actions which should be consistent with the dates required by this citation:

- a. Evaluation of the extent and location of the hazard source;
 - b. Evaluation of control measure options;
 - c. Selection of optimum control measures;
 - d. Determination of control measure design;
 - e. Ordering and delivery of equipment;
 - f. Installation of control measures;
 - g. Training of employees in proper operation and maintenance of newly implemented control measures;
- and

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: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

h. Assurance of the effective performance of control measures.

All proposed control measures shall be evaluated for each particular use by a competent Industrial Hygienist or other technically qualified person. Thirty day progress reports are required during the abatement period. The progress report must identify the action taken to achieve abatement and the date the action was taken.

STEP 2 ABATEMENT DATE (60 DAYS):

3. Abatement will be completed by the implementation of feasible engineering and/or administrative controls and upon verification of their effectiveness in achieving compliance.

STEP 3 ABATEMENT DATE (120 DAYS):

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/03/2016



Citation and Notification of Penalty

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1018(f)(1): Regulated areas were not established where workers exposure to inorganic arsenic, without regard to the use of respirators, were in excess of the permissible limit:

- a) Dryer Area: On or about November 03, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing general labor operations. The employer failed to establish regulated areas where workers were exposed to inorganic arsenic in excess of the PEL.
- b) Feed Conveyor Area: On or about November 03, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing general labor operations. The employer failed to establish regulated areas where workers were exposed to inorganic arsenic in excess of the PEL.
- c) Screen House: On or about November 03, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing screen change out operations. The employer failed to establish regulated areas where workers were exposed to inorganic arsenic in excess of the PEL.
- d) Bag Filling Area: On or about November 03, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations and collecting quality control samples. The employer failed to establish regulated areas where workers were exposed to inorganic arsenic in excess of the PEL.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/20/2016
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.

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

Inspection Number: 1099265
Inspection Date(s): 10/06/2015 - 03/24/2016
Issuance Date: 04/04/2016



Citation and Notification of Penalty

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1018(f)(5): The employer did not ensure that food and beverages were not consumed, and/or smoking products, chewing tobacco and/or gum were not used and/or cosmetics were not applied in the inorganic arsenic regulated areas:

a) Screen House: On or about November 03, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing screen change out and general labor operations. The employer allowed food and beverage consumption, and smoking throughout the facility, including areas in which airborne arsenic exceeded the PEL.

b) Bag Filling Area: On or about November 03, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations and collecting quality control samples. The employer allowed food and beverage consumption, and smoking throughout the facility, including areas in which airborne arsenic exceeded the PEL.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2016
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1018(h)(1): Where required under 29 CFR 1910.1018, the employer did not provide each employee an appropriate respirator that complies with the requirements of 29 CFR 1910.1018(h):

a) U.S. Minerals-Anaconda, MT site: On or about October 6, 2015, and at times prior, employees were exposed to inorganic arsenic while using a 3M N95 particulate respirator model 8210 which was not intended for use with airborne inorganic arsenic.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2016
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1018(h)(2)(i): The employer did not implement a respiratory protection program in accordance with 1910.134(b) through (d) (except (d)(1)(iii)), and (f) through (m), which covers each employee required by 29 CFR 1910.1018 to use a respirator:

- a) U.S. Minerals-Anaconda site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. The employer did not select the appropriate respirator in that the 3M N95 filtering face piece respirators (model 8210) was not approved for protection against arsenic.
- b) U.S. Minerals-Anaconda site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. The employer did not provide medical evaluations to employees required to use the respirators as required in 1910.134(c)(1)(ii).
- c) U.S. Minerals-Anaconda site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. The employer did not provide procedures and schedules for storing, discarding and maintaining respirators of employees required to use the respirators as required in 1910.134(c)(1)(v).
- d) U.S. Minerals-Anaconda site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. The employer did not provide training on putting on, removing, or the limitations of the respirators for employees required to use the respirators as required in 1910.134(c)(1)(viii).

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: 1099265
Inspection Date(s): 10/06/2015 - 03/24/2016
Issuance Date: 04/04/2016



Citation and Notification of Penalty

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

e) U.S. Minerals-Anaconda site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. The employer did not establish work-site specific procedures to regularly evaluate the effectiveness of the program as required in 1910.134(c)(1)(ix).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2016
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: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1018(j)(1): Where the possibility of skin or eye irritation from inorganic arsenic existed and/or for all workers who worked in regulated areas, the employer did not provide, at no cost, to the employee and did not ensure that employees used the appropriate protective work clothing and equipment:

- a) U.S. Minerals-Anaconda, MT site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to airborne inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. The employer failed to provide at no cost, and ensure use of appropriate protective work clothing and equipment.
- b) U.S. Minerals-Anaconda, MT site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic concentration levels from 5.010 to 224.740 micrograms of inorganic arsenic per 100 square centimeters of areas sampled while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. The employer failed to provide at no cost, and ensure use of appropriate protective work clothing and equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2016
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1018(j)(2)(viii): Inorganic arsenic was removed from protective clothing or equipment by blowing or shaking:

a) Air compressor: On or about November 4, 2015, and at times prior, employees were exposed to airborne inorganic arsenic by using compressed air to blow off clothing. Wipe samples indicate the presence of inorganic arsenic on the employees' clothing.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2016
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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 9 a Type of Violation: **Serious**

29 CFR 1910.1018(k)(1): All surfaces were not maintained as free as practicable of accumulations of inorganic arsenic:

- a) Lunch Area: On or about October 16, 2015, and at times prior, employees were exposed to the hazards of ingestion, absorption and inhalation of inorganic arsenic while eating, drinking and taking breaks in areas with an accumulation of inorganic arsenic. The top of the microwave door showed a concentration of 52.850 micrograms of inorganic arsenic per 100 square centimeters of area sampled. The lunch table showed a concentration of 5.010 micrograms of inorganic arsenic per 100 square centimeters of area sampled.
- b) Bag Filling Area: On or about October 21, 2015, and at times prior, employees were exposed to the hazards of ingestion, absorption and inhalation of inorganic arsenic while eating and drinking in areas with an accumulation of inorganic arsenic. Pallets next to the bagging area where the employees' water and lunch are consumed showed a concentration of 224.740 micrograms of inorganic arsenic per 100 square centimeters of area sampled.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2016
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: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1025(h)(1): All surfaces were not maintained as free as practicable of accumulations of lead:

a) Bag Filling Area: On or about October 21, 2015, and at times prior, employees were exposed to the hazards of ingestion, absorption and inhalation of lead while eating and drinking in areas with an accumulation of lead. Pallets next to the bagging area where the employees' water and lunch are consumed showed a concentration of 167.22 micrograms of lead per 100 square centimeters of area sampled.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/26/2016



Citation and Notification of Penalty

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1018(m)(1): Clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment, in accordance with 29 CFR 1910.141(e), were not provided for employees working in regulated areas or in areas subject to the possibility of skin or eye irritation from inorganic arsenic:

- a) U.S. Minerals-Anaconda, MT site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. The employer failed to provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment.

- b) U.S. Minerals-Anaconda, MT site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to inorganic surface arsenic concentration levels from 5.010 to 224.740 micrograms of inorganic arsenic per 100 square centimeters of area sampled while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. The employer failed to provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2016
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: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1018(m)(2)(i): Employees working in regulated areas, or subject to the possibility of skin or eye irritation from inorganic arsenic were not required to shower at the end of the work shift:

- a) U.S. Minerals-Anaconda, MT site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. The employer failed to require employees working in regulated areas to shower at the end of each shift.
- b) U.S. Minerals-Anaconda, MT site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to inorganic surface arsenic concentration levels from 5.010 to 224.740 micrograms of inorganic arsenic per 100 square centimeters of areas sampled while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. The employer failed to require employees working in regulated areas to shower at the end of each shift.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2016
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: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1018(m)(3)(i): Readily accessible lunchroom facilities with temperature controlled, positive pressure, filtered air supply were not provided for employees working in inorganic arsenic regulated areas:

a) U.S. Minerals-Anaconda, MT site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. The employer failed to provide readily accessible lunchroom facilities for employees working in inorganic arsenic regulated areas.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2016
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1018(m)(3)(ii): Employees working in regulated areas, or subject to the possibility of skin or eye irritation from exposure to inorganic arsenic were not required to wash their hands and face prior to eating:

a) U.S. Minerals-Anaconda, MT site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, and general labor operations. The employer failed to require employees working in regulated areas to wash their hands and face prior to eating.

b) U.S. Minerals-Anaconda, MT site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic concentration levels from 5.010 to 224.740 micrograms of inorganic arsenic per 100 square centimeters of areas sampled while performing bagging operations, screen change out, and general labor operations. The employer failed to require employees working in regulated areas to wash their hands and face prior to eating.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2016
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: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1018(n)(1)(i)(A): A medical surveillance program was not instituted for all employees who were or will be exposed to inorganic arsenic in excess of the action level, without regard to the use of respirators, at least 30 days per year:

- a) U.S. Minerals-Anaconda, MT site: On or about November 03, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, and general labor operations. Personal air sampling performed for 410 minutes indicated an exposure to 0.0125 milligrams per cubic meter of air, approximately 1.25 times the PEL. Zero exposure was assumed for the 70 minutes not sampled.
- b) U.S. Minerals-Anaconda, MT site: On or about November 03, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, and general labor operations. Personal air sampling performed for 325 minutes indicated an exposure to 0.0156 milligrams per cubic meter of air, approximately 1.56 times the PEL. Zero exposure was assumed for the 155 minutes not sampled.
- c) U.S. Minerals-Anaconda, MT site: On or about November 03, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, and general labor operations. Personal air sampling performed for 390 minutes indicated an exposure to 0.0125 milligrams per cubic meter of air, approximately 1.25 times the PEL. Zero exposure was assumed for the 90 minutes not sampled.
- d) U.S. Minerals-Anaconda, MT site: On or about November 04, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, and general labor operations. Personal air sampling performed for 375 minutes indicated an exposure to .0475 milligrams per cubic meter of air, approximately 4.75 times the PEL. Zero exposure

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: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

was assumed for the 105 minutes not sampled.

e) U.S. Minerals-Anaconda, MT site: On or about November 05, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, and general labor operations. Personal air sampling performed for 385 minutes indicated an exposure to .0367 milligrams per cubic meter of air, approximately 3.67 times the PEL. Zero exposure was assumed for the 95 minutes not sampled.

f) U.S. Minerals-Anaconda, MT site: On or about October 21, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, and general labor operations. Personal air sampling performed for 182 minutes indicated an exposure to 0.0174 milligrams per cubic meter of air, approximately 1.74 times the PEL. Zero exposure was assumed for the 298 minutes not sampled.

Note: U.S. Minerals processes low silica material into roofing granules and abrasives for shipment in rail, truck and bulk bag quantities. Standard abrasive grades (1240, 2040, and 3060) are available as well as custom blends. This is the only process that is done at this location and it has been in operation since October 26, 2010. This process is completed on one shift per day, five days per week. This plant is operational year round. The requirement for a 30 day per year exposure has been met.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2016
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.

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

Inspection Number: 1099265
Inspection Date(s): 10/06/2015 - 03/24/2016
Issuance Date: 04/04/2016



Citation and Notification of Penalty

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1018(o)(1)(ii): Training was not provided for employee(s) at the time of initial assignment to an area where employees are subject to inorganic arsenic exposure above the action level, or for whom there is a possibility of skin or eye irritation from inorganic arsenic:

a) U.S. Minerals-Anaconda, MT site: On or about October 6, 2015, and at times prior, employees throughout the facility were exposed to inorganic arsenic exceeding the Permissible Exposure Limit (PEL) of 0.01 milligrams per cubic meter of air while performing bagging operations, screen change out, collecting quality control samples, and general labor operations. The employer failed to provide the required training in paragraphs A through F of this section.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/26/2016
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.

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

Inspection Number: 1099265
Inspection Date(s): 10/06/2015 - 03/24/2016
Issuance Date: 04/04/2016



Citation and Notification of Penalty

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711

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

29 CFR 1910.1025(l)(1)(ii): The employer did not train each employee who is subject to exposure to lead at or above the action level, or for whom the possibility of skin or eye irritation exists, in accordance with the requirements of 29 CFR 1910.1025:

a) Bag Filling Area: On or about October 21, 2015, and at times prior, employees were exposed to the hazards of ingestion, absorption and inhalation of lead while eating and drinking, performing bagging operations, and collecting quality control samples in areas with an accumulation of lead. Pallets next to the bagging area where the employees' water and lunch are consumed showed a concentration of 167.22 micrograms of lead per 100 square centimeters of area sampled. The employer failed to provide the required training in paragraphs A through G of this section.

Date By Which Violation Must be Abated:

04/26/2016

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

Arthur Hazen
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
2900 4th Avenue North, Suite 303
Billings, MT 59101
Phone: 406-247-7494 Fax: 406-247-7499



INVOICE / DEBT COLLECTION NOTICE

Company Name: U.S. Minerals Inc.
Inspection Site: 800 Main Street, Anaconda, MT 59711
Issuance Date: 04/04/2016

Summary of Penalties for Inspection Number	1099265
Citation 1, Serious	\$106800.00
TOTAL PROPOSED PENALTIES	\$106800.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

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

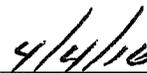
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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

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



Arthur Hazen

Area Director



Date