

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



02/09/2021

Trinity Rail Maintenance and Services, Inc.
and its successors
1806 West Garrett Street
Hugo, OK 74743

Dear Employer:

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

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


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

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

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

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

Sincerely,

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

Steven A. Kirby
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
5104 N Francis Avenue, Suite 200

Oklahoma City, OK 73118



Citation and Notification of Penalty

To:

Trinity Rail Maintenance and Services, Inc. /
and its successors
1806 West Garrett Street,
Hugo, OK 74743

Inspection Number: 1488084

Inspection Date(s): 08/13/2020-02/08/2021

Issuance Date: 02/09/2021

Inspection Site:

1806 West Garrett Street,
Hugo, OK 74743

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

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

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

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (405) 608-4160. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

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

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

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type “OSHA” in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

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

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

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

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

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

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/09/2021. The conference will be held by telephone or at the OSHA office located at 5104 N Francis Avenue, Suite 200 Oklahoma City, OK 73118 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1488084

Company Name: Trinity Rail Maintenance and Services, Inc. /
Inspection Site: 1806 West Garrett Street, Hugo, OK 74743
Issuance Date: 02/09/2021

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 5104 N Francis Avenue, Suite 200 Oklahoma City, OK 73118.**

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

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

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

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

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

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

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

Signature

Date

Typed or Printed Name

Title

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

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



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.

Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR OSH ACT of 1970 Section (5)(a)(1): Section 5(a)(1) of the Occupational Safety and Health Act: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees.

On or about August 12, 2020, and at times prior thereto, precautions were not taken to control ignition sources, at the cleaning rack, where flammable materials were used to clean tank cars creating a fire and explosion hazard.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all sources of ignition are controlled or prevented.

Among other methods, feasible and acceptable means of abatement would include following the Texas Pneumatic recommendations for grounding the Venturi, following the SDS guidelines for natural gasoline and VPRX to take measures against static discharge.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

February 22, 2021

Proposed Penalty:

\$13,653.00



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.

Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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 1910.134(f)(2): Employee(s) using a tight-fitting facepiece respirator were not annually fit tested:

On or about August 12, 2020, and at times prior thereto, employees who use a tight fitting respirator had not received an annual fit test.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees are fit tested on an annual basis.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 01, 2021
\$9,753.00

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

Inspection Number: 1488084
Inspection Date(s): 08/13/2020 - 02/08/2021
Issuance Date: 02/09/2021



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR 1910.134(f)(6): Qualitative fit tests were performed on negative pressure air-purifying respirators when the required fit factor is greater than 100:(a)

On or about August 12, 2020, and at times prior thereto, the employer performs qualitative fit tests for negative pressure air-purifying full face elastomeric respirators when the required fit factor is greater than 100.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees are fit tested using quantitative fit testing procedures.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 01, 2021
\$0.00

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: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR 1910.134(d)(1)(iii): When the employer was unable to identify or reasonably estimate the employee exposure, the employer did not consider the atmosphere to be IDLH:

On or about August 12, 2020 and at times prior thereto, the employer does not identify and evaluate the respiratory hazards for each commodity received in the workplace.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that each commodity is evaluated for the respiratory hazards the employees may be exposed to.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 29, 2021
\$0.00



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.

Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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 1910.134(g)(2)(i): When there was a change in the work area, conditions, or degree of employee exposure or stress that may affect respirator effectiveness, the employer did not reevaluate the continued effectiveness of the respirator:

On or about August 12, 2020, and at times prior thereto, employees performing tank car cleaning inside tank cars are exposed to respiratory hazards. The employer has not reevaluated respirator effectiveness when tank cars previously contained different chemicals/products/commodities.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that respirator effectiveness is evaluated when there is a change in employee exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

March 29, 2021

Proposed Penalty:

\$13,653.00



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.

Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR 1910.146(d)(2): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not identify and evaluate the hazards of permit spaces before employees entered:

On or about August 12, 2020, and at times prior thereto, employees perform cleaning inside the tank cars when the employer has not evaluated the hazards prior to entry.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to evaluate the hazards (such as oxygen deficient, flammable/combustible and toxic) for tank cars cleaned at the facility.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

March 29, 2021

Proposed Penalty:

\$0.00



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR 1910.146(d)(4)(i): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not ensure that testing and monitoring equipment needed to comply with 29 CFR 1910.146(d)(5) was maintained properly:

On or about August 12, 2020, and at times prior thereto, the employer did not ensure that atmospheric testing equipment was maintained and verified for accuracy through the use of daily bump testing.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that atmospheric testing equipment is properly maintained and verified for accuracy.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 01, 2021
\$13,653.00



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR 1910.146(d)(4)(ix): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not ensure that employees used any other equipment properly which was necessary for safe entry into and rescue from permit space:

On or about August 12, 2020, and at times prior thereto, the employer failed to ensure the use of non-spark producing tools during the cleaning process inside tank cars which contained flammable / combustible commodities.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that only non-sparking tools are used during the cleaning process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 01, 2021
\$13,653.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR 1910.146(d)(6):The employer did not provide at least one attendant outside the permit space into which entry was authorized for the duration of entry operations:

On or about August 12, 2020, an employee entered a permit required confined space, tank car # TILX 362012 and was not provided at least one attendant outside the permit space.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure at least one attendant is provided outside the permit space.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 08, 2021
\$13,653.00



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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 7 a Type of Violation: **Serious**

29 CFR 1910.146(g)(2)(iii): The employer did not provide training to each affected employee whenever there was a change in permit space operations that presented a hazard about which an employee had not previously been trained under 29 CFR 1910.146.

On or about August 12, 2020, and at times prior thereto, employees did not receive refresher or follow-up training on the hazards of natural gasoline prior to performing chemical cleaning.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees are trained on the hazards of natural gasoline.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 29, 2021
\$13,653.00

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

Inspection Number: 1488084
Inspection Date(s): 08/13/2020 - 02/08/2021
Issuance Date: 02/09/2021



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR 1910.146(h)(1): The employer did not ensure that all authorized entrants knew the hazards that could be faced during entry, including information on the mode, sign or symptoms, and consequences of the exposure:

On or about August 12, 2020, and at times prior thereto, employees enter tank cars who have not received training addressing hazards associated with the various contents of each car.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employee are trained on the hazard of each tank car received at the facility for chemical cleaning.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 29, 2021
\$0.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 1488084
Inspection Date(s): 08/13/2020 - 02/08/2021
Issuance Date: 02/09/2021



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR 1910.146(i)(1): The employer did not ensure that each attendant knew the hazards that could be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure:

On or about August 12, 2020, and at times prior thereto, employees serving as a permit space attendant does not know the hazards associated with the various contents of each car.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees know the hazard of each tank car received at the facility for chemical cleaning.

Date By Which Violation Must be Abated:
Proposed Penalty:

March 29, 2021
\$0.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 1488084
Inspection Date(s): 08/13/2020 - 02/08/2021
Issuance Date: 02/09/2021



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR 1910.146(j)(1):The employer did not ensure that each entry supervisor knew the hazards that could be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure:

On or about August 12, 2020, and at times prior thereto, employees serving as a permit space entry supervisor does not know the hazards associated with the various contents of each car.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees know the hazard of each tank car received at the facility for chemical cleaning.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 29, 2021
\$13,653.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR 1910.146(j)(2):The employer did not ensure that each entry supervisor verified, by checking that the appropriate entries had been made on the permit, that all tests specified by the permit had been conducted and that all procedures and equipment specified by the permit were in place before endorsing the permit and allowing entry to begin.

On or about August 12, 2020, and at times prior thereto, the entry supervisor does not ensure the permit is completed and all test is conducted prior to the entry. This condition exposes the employees to hazardous atmosphere(s).

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that each entry supervisor verifies that the entry permit is completed prior to authorizing entry.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 29, 2021
\$13,653.00



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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 10 a Type of Violation: **Serious**

29 CFR 1910.146(k)(2)(ii): The employer did not ensure that each member of the rescue team was trained and proficient as an authorized entrant, as provided by paragraphs (g) and (h) of this section:

On or about August 12, 2020, and at times prior thereto, the employer failed to establish proficiency using the rescue equipment for authorized entrants of the rescue team

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that each member of the rescue team is trained on entering the confined space with the SCBA tank.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 29, 2021
Proposed Penalty:	\$13,653.00



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR 1910.146(k)(2)(iv): The employer did not ensure that affected employees practice making permit space rescues at least once every 12 months, by means of simulated rescue operations in which they remove dummies, manikins, or actual persons from the actual permit spaces or from representative permit spaces:

On or about August 12, 2020, and at times prior thereto, the employer does not ensure affected employees practice confined space rescue by means of simulated rescue operations, at least every 12 months using dummies, manikins or actual persons.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees practice removing dummies, manikins, or actual persons from the actual permit required space.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 29, 2021
Proposed Penalty:	\$0.00



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

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

29 CFR 1910.146(k)(3): Whenever an authorized entrant entered a permit space to perform rescue services, retrieval systems or methods were not used to facilitate non-entry:

On or about August 12, 2020, and at times prior thereto, the entrant(s) who entered a tank car for rescue did ensure retrieval systems were used and equipment was adequate to facilitate non-entry.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that retrieval systems or methods are adequate to facilitate non-entry rescue.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 29, 2021
\$13,653.00



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR 1910.146(k)(3)(i): Each authorized entrant did not use a chest or full body harness, with a retrieval line attached at the center of the entrant's back near shoulder level, or above the entrant's head:

On or about August 12, 2020, and at times prior thereto, employees enter the confined space without a full body harness attached to a retrieval line during the duration of the entry.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that each authorized entrant uses a full body harness with retrieval line attached to the harness.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 01, 2021
Proposed Penalty:	\$0.00



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR 1910.146(d)(5)(i): The employer did not test conditions in the permit space to determine if acceptable entry conditions existed before entry was authorized and entry conditions were not continuously monitored in areas where authorized entrants were working:

On or about August 12, 2020, and at times prior thereto, employees who enter tank cars are exposed to hazardous atmosphere(s).

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that atmospheric testing is performed prior to permit required confined space entry is authorized and continuously monitored in areas where authorized entrants work.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 29, 2021
\$136,532.00



Citation and Notification of Penalty

Company Name: Trinity Rail Maintenance and Services, Inc.
Inspection Site: 1806 West Garrett Street Hugo, OK 74743

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

29 CFR 1910.146(e)(1): Before entry was authorized, the employer did not document the completion of measures required by 29 CFR 1910.146(d)(3) by preparing an entry permit:

Instance a) On or about August 10, 2020, the employer exposed employees to the hazard of methanol and corn oil when it did not ensure that a confined space entry permit was completed prior to entry of TILX 193215, TILX 195058, TILX 292040.

Instance b) On or about August 11, 2020, the employer exposed employees to the hazard of natural gasoline and methanol when it did not ensure that a confined space entry permit was completed prior to entry on TILX 362007, TILX 319430

Instance c) On or about August 12, 2020, the employer exposed employees to the hazard of natural gasoline and corn oil when it did not ensure that a confined space entry permit was completed prior to entry for TILX 362012, TILX 292040, TILX 292018.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that confined space entry permits are completed prior to authorizing employee to entry the space.


ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

March 29, 2021

Proposed Penalty:

\$136,532.00



Steven A. Kirby
Area Director

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

Oklahoma City, OK 73118



INVOICE / DEBT COLLECTION NOTICE

Company Name: Trinity Rail Maintenance and Services, Inc. /
Inspection Site: 1806 West Garrett Street, , Hugo, OK 74743
Issuance Date: 02/09/2021

Summary of Penalties for Inspection Number: 1488084

Citation 1 Item 1, Serious	\$13,653.00
Citation 1 Item 2a, Serious	\$9,753.00
Citation 1 Item 2b, Serious	\$0.00
Citation 1 Item 2c, Serious	\$0.00
Citation 1 Item 3a, Serious	\$13,653.00
Citation 1 Item 3b, Serious	\$0.00
Citation 1 Item 4, Serious	\$13,653.00
Citation 1 Item 5, Serious	\$13,653.00
Citation 1 Item 6, Serious	\$13,653.00
Citation 1 Item 7a, Serious	\$13,653.00
Citation 1 Item 7b, Serious	\$0.00
Citation 1 Item 7c, Serious	\$0.00
Citation 1 Item 8, Serious	\$13,653.00
Citation 1 Item 9, Serious	\$13,653.00
Citation 1 Item 10a, Serious	\$13,653.00
Citation 1 Item 10b, Serious	\$0.00
Citation 1 Item 11a, Serious	\$13,653.00
Citation 1 Item 11b, Serious	\$0.00
Citation 2 Item 1, Willful - Serious	\$136,532.00
Citation 2 Item 2, Willful - Serious	\$136,532.00

TOTAL PROPOSED PENALTIES: **\$419,347.00**

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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



Steven A. Kirby

Area Director

02-09-2021

Date