

**Este documento es muy importante. Si ud. No habla inglés,  
busque un traductor o llame al (915) 534-6251.**

**U.S. Department of Labor** Occupational Safety and Health Administration  
4849 North Mesa Suite 200  
El Paso, TX 79912  
Phone: (915) 534-6251 Fax: (915) 534-6259



April 14, 2022

Dear Employer,

On 10/20/2021, an OSHA compliance officer met with you or your representative as part of an inspection at 8001 Border Steel Rd., Vinton, TX 79821. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.  
Sincerely,

Diego Alvarado Jr., Area Director

### **Your Citation Summary**

**Kyoei Steel, LTD**

**Inspection Number: 1558914**

**Total Amount Due: \$364078.00**

**Payment Due Date: 15 working days  
after receipt of  
this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations : 24**

**Your First Correction Deadline is:  
5 / 3 / 2022**

### **Step 1 – Choose a Response Option and Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

#### **Option #1 – Discuss with OSHA**

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

#### **Option #2 – Correct and Pay**

I agree with the citation, penalties, and correction deadlines, and do not contest.

#### **Option #3 – Contest the Citation**

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

### **Questions or Concerns?**

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (915) 534-6251.

## Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

### Option #1 – Discuss with OSHA

I will complete by:



1. Call: Diego Alvarado Jr., Area Director, at (915) 534-6251 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. **\*\*This meeting does NOT extend your 15 working day deadline to contest the citation.\*\***

\_\_\_\_ / \_\_\_\_



2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

\_\_\_\_ / \_\_\_\_

### Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

\_\_\_\_ / \_\_\_\_



2. Pay the **Total Penalty** by using one of the following methods:  
**\*\*Include your Inspection Number (see first page) on the payment.\*\***

\_\_\_\_ / \_\_\_\_

*Pay Online:* Search "OSHA" on [www.pay.gov](http://www.pay.gov) and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days.** Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

*Pay by Check:* Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days.**

### Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days.**

\_\_\_\_ / \_\_\_\_



## U.S. Department of Labor

Occupational Safety and Health Administration  
4849 North Mesa  
Suite 200  
El Paso, TX 79912



---

## Citation and Notification of Penalty

---

**To:**

Kyoei Steel, LTD, dba Vinton Steel LLC  
and its successors  
P.O. Box 12843  
El Paso, TX 79913

**Inspection Number:** 1558914**Inspection Date(s):** 10/20/2021 - 10/20/2021**Issuance Date:** 04/14/2022**Inspection Site:**

8001 Border Steel Rd.  
Vinton, TX 79821

*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 (915) 534-6251. 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](http://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](http://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 04/14/2022. The conference will be held by telephone or at the OSHA office located at 4849 North Mesa, Suite 200, El Paso, TX 79912 on \_\_\_\_\_ at \_\_\_\_\_.

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



## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

**Inspection Number: 1558914**

Company Name: Kyoei Steel, LTD, dba Vinton Steel LLC

Inspection Site: 8001 Border Steel Rd., Vinton, TX 79821

Issuance Date: 04/14/2022

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, 4849 North Mesa, Suite 200, El Paso, TX 79912.**

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:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

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

Melt Shop: On or about October 28, 2021, the employer failed to inspect the Skid Steer loader (JCB Model 330) and have all systems in good operational condition. The windshield was damaged, cracked and broken. This condition exposed employees to death and/or crushing injuries such as but not limited broken bones.

Among other methods, feasible and acceptable methods to correct the hazard would be to follow the AEM - Association of Equipment Manufacturers\Skid Steer Loader 2013: Pg. 10, Only qualified and authorized individuals may operate this equipment. Inspect your machine and attachments before each use as specified by the manufacturer and your employer. All shields, guards, air filters, access panels and doors must be properly installed before each use. Pg. 13, Check and Use All Available Safety Devices. Check that each required item is securely in place and in operating condition, Windshield wiper/defroster. Pg. 14, Prepare for Safe Operation, Check the Machine before beginning your workday, inspect the machine and have all systems in good operational condition. Perform daily and periodic service procedures as instructed by the equipment manufacturer. Ensure shielding is properly installed and in good condition. Repair or replace if damaged or missing. Additionally, follow the operator's manual, check the machine before operation, and fix broken parts. Pg. 7: Check the Machine: Before beginning your workday, inspect the machine and have all systems in good operational condition. Pg. 8: Prepare for Safe Operation: Check for broken, missing, loose or damaged parts. Make necessary repairs.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$14,502.00



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

**Inspection Number:** 1558914  
**Inspection Date(s):** 10/20/2021 - 10/20/2021  
**Issuance Date:** 04/14/2022



**Citation and Notification of Penalty**

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.23(c)(11): The employer did not ensure that portable ladders used to gain access to an upper landing surface that have side rails that extend at least 3 feet (0.9 m) above the upper landing surface.

Cold Sheer Area: On or about October 28, 2021, the employer did not ensure employees accessing the top of stacked rebar used a ladder that extended at least 3 feet above the landing. This condition exposed employees to a fall hazard above 7-feet.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$11,396.00

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:** 1558914  
**Inspection Date(s):** 10/20/2021 - 10/20/2021  
**Issuance Date:** 04/14/2022



**Citation and Notification of Penalty**

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.106(e)(6)(ii): Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 degree F (37.8 degree C), were dispensed into containers without the containers being electrically interconnected:

Refuel Point: On or about October 28, 2021, the employer did not ensure the refuel point (Class 1 fuel) was grounded. This condition exposed employees to burn and explosion hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**May 03, 2022**  
**\$14,502.00**

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:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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 4 a** Type of Violation: **Serious**

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

Bag House: On or about October 28, 2021, the employer did not ensure employees wearing respirators during work had completed a fit test. This condition exposed employees to death and health hazards such as but not limited to respiratory impairment, distress, and/or respiratory cancer in the following instances:

- 1) Melt Shop Furnace employees wearing respirators during work were not fit tested.
- 2) Bag House Duct Cleaning Area employees wearing respirators during work were not fit tested.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$14,502.00



**Citation and Notification of Penalty**

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.134(g)(1)(i)(A): Respirators with tight-fitting facepieces were worn by employees who had facial hair that came between the sealing surface of the facepiece and the face or that interfered with valve function:

On or about October 28, 2021, the employer did not ensure employees wearing respirators during work were clean shaven around the sealing surface on respirators worn during work processes. This condition exposed employees to death and health hazards such as but not limited to respiratory impairment, distress, and/or respiratory cancer in the following instances:

- 1) Melt Shop Furnaces
- 2) Bag House Duct Cleaning Areas

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$0.00



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

**Inspection Number:** 1558914  
**Inspection Date(s):** 10/20/2021 - 10/20/2021  
**Issuance Date:** 04/14/2022



**Citation and Notification of Penalty**

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.134(l)(1): Evaluations of the workplace were not conducted to ensure the written respiratory protection program was being effectively implemented:

On or about October 28, 2021, the employer did not ensure workplace evaluations of the Respiratory Protection Program were conducted to ensure it was effectively implemented. This condition exposed employees to death and health hazards such as but not limited to respiratory impairment, distress, and/or respiratory cancer in the following instances:

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$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:** 1558914  
**Inspection Date(s):** 10/20/2021 - 10/20/2021  
**Issuance Date:** 04/14/2022



**Citation and Notification of Penalty**

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.138(a): The employer did not select and require employee(s) to use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasion; punctures; chemical burns; thermal burns; and harmful temperature extremes.

Roll Shop: On October 18, 2021, the employer did not ensure employee(s) engaged in welding/heating/cutting operations were wearing appropriate gloves for the hazard. This condition exposed employees to death and/or 2nd and 3rd degree burns.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$14,502.00

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:** 1558914  
**Inspection Date(s):** 10/20/2021 - 10/20/2021  
**Issuance Date:** 04/14/2022



**Citation and Notification of Penalty**

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

**Citation 1 Item 6**    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:

Melting Shop: On or about October 28, 2021, The employer did not ensure employees entering Furnaces #1 and #2 to conduct maintenance had practiced rescue operations at least once in the past 12 months. This condition exposed employees to death and/or health hazards such as but not limited to respiratory impairment, distress, respiratory cancer.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$14,502.00

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:** 1558914  
**Inspection Date(s):** 10/20/2021 - 10/20/2021  
**Issuance Date:** 04/14/2022



**Citation and Notification of Penalty**

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.147(f)(3)(ii)(D): Each authorized employee did not affix a personal lockout or tagout device to the group lockout device before working on the machine or equipment:

On or about October 28, 2021, the employer did not ensure employees entering the arc furnaces #1 & #2 to conduct maintenance affix a personal lock to the group lockout device before entering. This condition exposed employees to the unexpected energization or start up of the furnaces, or release of stored energy such as but not limited electrical and thermal/heat energy.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$14,502.00

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:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.157(c)(4): Portable fire extinguishers were not maintained in a fully charged and operable condition:

On or about October 28, 2021, employees were exposed to death, 2nd and 3rd degree burns and/or inhalation hazards because the employer did not ensure fire extinguishers were maintained in a fully charged and operable condition in the following areas:

- 1) Truck Shop: The fire extinguisher was empty.
- 2) Machine Shop: The fire extinguisher was found with a broken handle/pin and not fully operational.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$14,502.00

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

**Inspection Number:** 1558914  
**Inspection Date(s):** 10/20/2021 - 10/20/2021  
**Issuance Date:** 04/14/2022



**Citation and Notification of Penalty**

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.157(g)(3): Employees who have been designated to use fire fighting equipment as part of the emergency action plan were not provided training in the use of the appropriate equipment:

Inside the plant: On or about October 28, 2021, the employer did not ensure that employees required to use a fire extinguisher had been trained to do so. This condition exposed employees to death, 2nd and 3rd degree burns and/or inhalation hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**May 03, 2022**  
**\$11,396.00**

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:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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 1910.253(e)(3)(ii)(C)(2): Back flow protection was not provided by an approved device that would prevent oxygen from flowing into the fuel gas system or fuel from flowing into the oxygen system:

On or about October 18, 2021, the employer did not ensure back flow protection was installed on the gas system. This condition exposed employees to death and/or 2nd and 3rd degree burns in the following instances:

- 1) Roll and Bearing Shop back flow protection was not provided, torches were found to be without safety devices.
- 2) Rolling Mill back flow protection was not provided, torches were found to be without safety devices.
- 3) Fabrication Shop back flow protection was not provided, torches were found to be without safety devices.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$14,502.00



**Citation and Notification of Penalty**

Company Name: Kyoei Steel, LTD, dba Vinton Steel LLC  
Inspection Site: 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.253(e)(3)(ii)(C)(3): Flashback protection was not provided by an approved device that would prevent flame from passing into the fuel gas system:

On or about October 18, 2021, the employer did not ensure flashback protection was installed on the gas system. This condition exposed employees to death or 2nd and 3rd degree burns in the following instances:

- 1) Roll and Bearing Shop flashback protection was not provided, torches were found to be without safety devices.
- 2) Rolling Mill flashback protection was not provided, torches were found to be without safety devices.
- 3) Fabrication Shop flashback protection was not provided, torches were found to be without safety devices.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$0.00

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

**Inspection Number:** 1558914  
**Inspection Date(s):** 10/20/2021 - 10/20/2021  
**Issuance Date:** 04/14/2022



**Citation and Notification of Penalty**

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.269(v)(4)(ii): Fences, screens, partitions, or walls did not enclose the rooms and other spaces so as to minimize the possibility that unqualified persons will enter.

Rolling Mill Sub Station: On or about October 28, 2021, the employer did not ensure the large rolling mill metal doors (labeled "Danger - High Voltage" "Danger Do Not Enter - Authorized Personnel Only") leading out into the electrical Sub Station (13.9 KV/480v) was secure as to minimize access from unqualified personnel. This condition exposed employees to death, 2nd and 3rd degree burns from electrical arcs.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$11,396.00

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:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.303(e)(1)(ii): Electric equipment was being used without identification of manufacturer and ratings such as other markings giving voltage, current, wattage, or other ratings as necessary:

On or about October 28, 2021, the employer did not ensure its 480v transformers were identified with markings to include but not limited to the name of the manufacturer, rated kilovolt-amperes, frequency, primary and secondary voltage. This condition exposed employees to death or 2nd and 3rd degree burns from electrical shock in the following instances:

- 1) The 480v to 208v/120v transformer in the Cane Shop did not identify the manufacturer or the transformer ratings.
- 2) The 480v to 208v/120v transformer in the Truck Shop did not identify the manufacturer or the transformer ratings.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$13,674.00



**Citation and Notification of Penalty**

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.303(g)(2)(i): Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by approved cabinets or other forms of approved enclosures, or other means listed under this provision:

On or about October 28, 2021, the employer did not ensure live electrical parts were guarded. This condition exposed employees to death or 2nd and 3rd degree burns from electrical shock in the following instances:

- 1) In the Backhouse elevator/loader area, a 110v exposed live wire (red in color) was hanging out of the electrical box within 3 to 4 inches of the elevator switches.
- 2) In the Machine shop area, industrial live wires (green and white) coming out of the bottom of the 480v Lathe CNC disconnect box were not guarded. The 480v panel box next to the Lathe CNC disconnect box was missing a conduit cover and thus exposing 480v live wires.
- 3) In the High Voltage room, the ABB circuit breaker high voltage panel door was left open with live conductors (480v) exposed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$14,502.00

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

**Inspection Number:** 1558914  
**Inspection Date(s):** 10/20/2021 - 10/20/2021  
**Issuance Date:** 04/14/2022



**Citation and Notification of Penalty**

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

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 14 a**      Type of Violation: **Serious**

29 CFR 1910.305(a)(2)(x): Flexible cords and cables were not protected from accidental damage, as might be caused, for example, by sharp corners, projections, and doorways or other pinch points.

Cold Sheer Electrical Control Room: On or about October 28, 2021, the employer did not ensure a 480v flat cable was protected from a pinch point. The cable was run through the bottom of the heavy metal entrance door. This condition exposed employees to death or 2nd and 3rd degree burns from electrical shock.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$14,502.00

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:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

Crane Shop: On or about October 28, 2021, employees were exposed to 2nd or 3rd degree burns and electrical shock hazards because the employer was using flexible cords as a substitute for fixed wiring in the following instances:

- 1) In the Crane Shop: the two outlet receptacle box had a yellow extension cord coming out of it and being used as fixed wiring. The outlet box was being used to power a portable drill charging station.
- 2) In the Crane Shop: a yellow extension cord coming out of a light switch box located near the entrance doorway was being used as fixed wiring.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$0.00

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

**Inspection Number:** 1558914  
**Inspection Date(s):** 10/20/2021 - 10/20/2021  
**Issuance Date:** 04/14/2022



**Citation and Notification of Penalty**

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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 15 a**      Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(i): Openings through which conductors entered cutout boxes, cabinets, or fittings were not effectively closed:

On or about October 28, 2021, the employer did not ensure cutout boxes, cabinets and fittings were closed. This condition exposed employees to 2nd and 3rd degree burns from electrical shock.

Roll Mill Area: The cabinet through which the conductors entered below the 480v feed for the north side conveyor and 480v overhead crane main disconnect was not effectively closed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

May 03, 2022

Proposed Penalty:

\$9,116.00

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: 1558914  
Inspection Date(s): 10/20/2021 - 10/20/2021  
Issuance Date: 04/14/2022



**Citation and Notification of Penalty**

Company Name: Kyoei Steel, LTD, dba Vinton Steel LLC  
Inspection Site: 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.305(b)(3)(i): Electrical boxes did not provide a complete enclosure for the contained conductors or cables.

Crane Shop: On or about October 28, 2021, at the supervisor's office entrance, the employer did not ensure that 110v electrical box was not provided with a complete enclosure. his condition exposed employees to 2nd and 3rd degree burns from electrical shock.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$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:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.28(b)(1)(i): Except as provided elsewhere in this section 29 CFR 1910.28, the employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the systems described in 29 CFR 1910.28(b)(1)(i):

On or about October 28, 2021, the employer did not ensure employees were protected from a fall hazard in the following instances:

- 1) Cold Sheer Area: Employees were exposed to fall hazards in excess of 7-feet while working on top of stacked rebar without being tied-off / no railing.
- 2) Melting Shop: During maintenance, employees were exposed to fall hazards in excess of 20-feet to the lower level below while accessing the top of the Charge Crane via an elevated door without railing on the inside landing.

Vinton Steel, LLC was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.28(b)(1)(i), which was contained in OSHA inspection number 1219485, citation number 1, item number 1 and was affirmed as a final order on 8/30/17, with respect to a workplace located at 8001 Border Steel, Vinton, TX 79821.

Vinton Steel, LLC was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.28(b)(1)(i), which was contained in OSHA inspection number 1367128, citation number 1, item number 1 and was affirmed as a final order on 4/30/19, with respect to a workplace located at 8001 Border Steel, Vinton, TX 79821.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$79,761.00



**Citation and Notification of Penalty**

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

On or about October 28, 2021, the employer did not provide a guard on the Cincinnati Shaper #7 machine. This condition exposed employees to an amputation hazard.

Kyoei Steel, LTD was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.212(a)(1), which was contained in OSHA inspection number 1378655, citation number 1, item number 1 and was affirmed as a final order on August 21, 2019, with respect to a workplace located at 8001 Border Steel Rd.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$79,761.00

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

**Inspection Number:** 1558914  
**Inspection Date(s):** 10/20/2021 - 10/20/2021  
**Issuance Date:** 04/14/2022



**Citation and Notification of Penalty**

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

**Citation 3 Item 1**    Type of Violation: **Other-than-Serious**

29 CFR 1910.146(d)(14): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not review the permit-required confined space program, using the canceled permits retained under 29 CFR 1910.146(e)(6) within one year:

Melting Shop: on or about October 28, 2021, the employer did not ensure the permit-required confined space program had been reviewed within one year. This condition exposed employees to death and/or health hazards such as but not limited to respiratory impairment, distress, respiratory cancer.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$1,279.00

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: 1558914  
Inspection Date(s): 10/20/2021 - 10/20/2021  
Issuance Date: 04/14/2022



### Citation and Notification of Penalty

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821

---

### Citation 3 Item 2    Type of Violation: **Other-than-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:

Melting Shop: On or about October 28, 2021, the employer did not ensure entry permits were completed prior to employees entering Furnace #1 and #2. This condition exposed employees to death and/or health hazards such as but not limited to respiratory impairment, distress, respiratory cancer.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 03, 2022  
\$1,279.00

  
**Diego Alvarado Jr.**  
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  
4849 North Mesa  
Suite 200  
El Paso, TX 79912



---

## INVOICE / DEBT COLLECTION NOTICE

---

**Company Name:** Kyoei Steel, LTD, dba Vinton Steel LLC  
**Inspection Site:** 8001 Border Steel Rd., Vinton, TX 79821  
**Issuance Date:** 04/14/2022

Summary of Penalties for Inspection Number: 1558914

|                                       |             |
|---------------------------------------|-------------|
| Citation 1 Item 1, Serious            | \$14,502.00 |
| Citation 1 Item 2, Serious            | \$11,396.00 |
| Citation 1 Item 3, Serious            | \$14,502.00 |
| Citation 1 Item 4a, Serious           | \$14,502.00 |
| Citation 1 Item 4b, Serious           | \$0.00      |
| Citation 1 Item 4c, Serious           | \$0.00      |
| Citation 1 Item 5, Serious            | \$14,502.00 |
| Citation 1 Item 6, Serious            | \$14,502.00 |
| Citation 1 Item 7, Serious            | \$14,502.00 |
| Citation 1 Item 8, Serious            | \$14,502.00 |
| Citation 1 Item 9, Serious            | \$11,396.00 |
| Citation 1 Item 10a, Serious          | \$14,502.00 |
| Citation 1 Item 10b, Serious          | \$0.00      |
| Citation 1 Item 11, Serious           | \$11,396.00 |
| Citation 1 Item 12, Serious           | \$13,674.00 |
| Citation 1 Item 13, Serious           | \$14,502.00 |
| Citation 1 Item 14a, Serious          | \$14,502.00 |
| Citation 1 Item 14b, Serious          | \$0.00      |
| Citation 1 Item 15a, Serious          | \$9,116.00  |
| Citation 1 Item 15b, Serious          | \$0.00      |
| Citation 2 Item 1, Repeat - Serious   | \$79,761.00 |
| Citation 2 Item 2, Repeat - Serious   | \$79,761.00 |
| Citation 3 Item 1, Other-than-Serious | \$1,279.00  |
| Citation 3 Item 2, Other-than-Serious | \$1,279.00  |

**TOTAL PROPOSED PENALTIES:** **\$364,078.00**

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](http://www.pay.gov). At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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

  
Diego Alvarado Jr.

Area Director

4/14/22  
\_\_\_\_\_  
Date



**U.S. Department of Labor**

Occupational Safety and Health Administration  
El Paso Area Office  
4849 North Mesa, Suite 200  
El Paso, TX 79912



Kyoei Steel, LTD  
P.O. Box 12843  
El Paso, TX 79913

Dear Employer:

Under a law passed by Congress in 1996, the Small Business Administration (SBA) has established the SBA Ombudsman and SBA Regional Fairness Boards to investigate small business complaints pertaining to federal agency enforcement actions.

If you are a small business and believe you have been treated unfairly by the Occupational Safety and Health Administration (OSHA), you may file a written, signed complaint with the SBA Ombudsman at:

Small Business Administration  
Office of the National Ombudsman  
409 Third Street SW  
Washington, DC 20024  
Phone: (202) 205-2417  
Fax: (202) 481-5719

You can also access and download the Complaint/Comment form by visiting their website at:

<http://www.sba.gov/aboutsba/sbaprograms/ombudsman/index.html>

Or, call Toll Free: 1-888-REGFAIR

NOTE: Filing a complaint with the SBA Ombudsman does not affect any obligation you may have to comply with an OSHA citation or other enforcement action. Nor does it mean you need not to take other available legal steps to protect your interest.

Your support in worker occupational health and safety is appreciated.

Sincerely,

**Diego Alvarado Jr.**  
Area Director