

U.S. Department of Labor Occupational Safety and Health Administration
8713 Airport Freeway
Suite 302
Fort Worth, TX 76180



09/08/2023

Strategic Materials, Inc., dba Strategic Materials
and its successors
17220 Katy Freeway Suite 150
Houston, TX 77094

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 (817) 428-2470.

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,

Timothy A. Minor
Timothy Minor
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
8713 Airport Freeway
Suite 302
Fort Worth, TX 76180



Citation and Notification of Penalty

To:

Strategic Materials, Inc., dba Strategic Materials
and its successors
17220 Katy Freeway Suite 150
Houston, TX 77094

Inspection Number: 1655540**Inspection Date(s):** 03/09/2023 - 03/09/2023**Issuance Date:** 09/08/2023**Inspection Site:**

3240 Robinson Road
Midlothian, TX 76065

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 (817) 428-2470. 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 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 09/08/2023. The conference will be held by telephone or at the OSHA office located at 8713

Airport Freeway, Suite 302, Fort Worth, TX 76180 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1655540

Company Name: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065
Issuance Date: 09/08/2023

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, 8713 Airport Freeway, Suite 302, Fort Worth, TX 76180.**

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

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

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

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

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

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

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

Signature

Date

Typed or Printed Name

Title

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

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

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

Inspection Number: 1655540
Inspection Date(s): 03/09/2023 - 03/09/2023
Issuance Date: 09/08/2023



Citation and Notification of Penalty

Company Name: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

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

29 CFR 1910.22(a)(1): The employer did not ensure that all places of employment, passageways, storerooms, service rooms, and walking-working surfaces are kept in a clean, orderly, and sanitary condition:

On or about March 9, 2023, and times prior thereto and at times thereafter, walkways, egress paths and walking-working surfaces were not maintained in an orderly and sanitary condition throughout the facility. Thus, exposing employees to slip, trip, and fall hazards.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

October 06, 2023
\$15,625.00

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: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

On or about March 9, 2023, and times prior thereto, energy control procedures were not developed, documented and used for machinery and/or equipment located within the production area(s) to include, but not limited to, 12-Mesh, 5/8, Optical and Pre-Clean areas. Thus, exposing employee(s) to struck-by, and amputation hazards.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

October 06, 2023
\$15,625.00



Citation and Notification of Penalty

Company Name: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

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

29 CFR 1910.147(c)(5)(ii)(D): Lockout devices and tagout devices did not indicate the identity of the employee applying the device(s):

On or about March 9, 2023, employees did not affix lockout tagout devices that indicated their identity on machinery and/or equipment located within the production area(s) to include, but not limited to, 12-Mesh, 5/8, Optical and Pre-Clean areas. Thus, exposing employee(s) to struck-by, and amputation hazards.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

October 06, 2023
\$14,733.00



Citation and Notification of Penalty

Company Name: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

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 1910.147(d)(4)(i): Lockout or tagout devices were not affixed to each energy isolating device by authorized employees:

On or about March 9, 2023, and at times prior thereto, authorized employees did not affix lockout tag out devices to each energy isolation device on machinery and/or equipment located within the production area(s) to include, but not limited to, 12-Mesh, 5/8, Optical and Pre-Clean areas, thus exposing employees to amputation, caught in-between and burns.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 06, 2023**
Proposed Penalty: **\$15,625.00**



Citation and Notification of Penalty

Company Name: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

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

29 CFR 1910.147(d)(5)(i): All potentially hazardous stored or residual energy was not relieved, disconnected, restrained or otherwise rendered safe after the application of lockout or tagout devices to energy isolating devices:

On or about March 9, 2023, and at times prior thereto, all potentially hazardous energy was not relieved or otherwise rendered safe prior to the start of work at machinery and/or equipment located within the production area(s) to include, but not limited to, 12-Mesh, 5/8, Optical and Pre-Clean areas, thus exposing employees to amputation, caught in-between and burns.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 06, 2023**
Proposed Penalty: **\$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: 1655540
Inspection Date(s): 03/09/2023 - 03/09/2023
Issuance Date: 09/08/2023



Citation and Notification of Penalty

Company Name: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

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

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

On or about March 9, 2023, and times prior there to, employees operated powered industrial trucks without being deemed competent by the successful completion of the required training and evaluation, exposing employees to struck-by and crush-by hazards.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 06, 2023
Proposed Penalty:	\$15,625.00

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: 1655540
Inspection Date(s): 03/09/2023 - 03/09/2023
Issuance Date: 09/08/2023



Citation and Notification of Penalty

Company Name: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

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

29 CFR 1910.243(c)(3): Vertical portable grinder(s) (right angle head grinders) were not provided with safety guard(s) having a maximum exposure angle of 180 degrees and located between the operator and wheel:

On or about March 9, 2023, and times prior thereto, vertical portable right angle head grinders did not have safety guards, exposing employees to struck-by and amputation hazards.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

October 06, 2023
\$9,822.00

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: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

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 1910.303(b)(7)(i): Unused openings in boxes, raceways, auxiliary gutters, cabinets, equipment cases, or housings were not effectively closed to afford protection substantially equivalent to the wall of the equipment.

On or about March 9, 2023, and times prior thereto, unused openings in live electrical boxes were not closed, exposing employees to electric shock, electrocution and fire hazards in the following instances (a-b):

- a) 12 Mesh Building - Control Panels on South Wall; and
- b) 5/8 Building - Breaker Box along South Wall.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

October 06, 2023
\$12,278.00



Citation and Notification of Penalty

Company Name: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

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

29 CFR 1910.303(b)(7)(iii): Internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, were damaged or contaminated by foreign materials such as paint, plaster, cleaners, abrasives, or corrosive residues.

On or about March 9, 2023, and times prior thereto, internal components of live electrical boxes and cabinets were contaminated by a foreign substance identified as the by-products of the glass recycling process, exposing employees to electric shock, electrocution, and fire hazards, in the following instances (a-b):

- a) The Main Control Panels in the 12-Mesh Building; and
- b) Breaker Box in the 5/8 Building along Southern Wall.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

October 06, 2023
\$0.00



Citation and Notification of Penalty

Company Name: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

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 8 a Type of Violation: **Serious**

29 CFR 1910.303(g)(2)(i): Except as elsewhere required or permitted by Subpart S of Part 1910, live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the means identified in paragraphs (A), (B), (C), and (D) of 29 CFR 1910.303(g)(2)(i).

On or about March 9, 2023, and times prior thereto, live electrical equipment rated at more than 50-volts was not guarded against accidental contact related to electrical bank panel labelled "Crusher" in the 12-Mesh Building exposing employees to arc flash and electrical shock hazards.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

October 06, 2023
\$12,278.00

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

Inspection Number: 1655540
Inspection Date(s): 03/09/2023 - 03/09/2023
Issuance Date: 09/08/2023



Citation and Notification of Penalty

Company Name: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

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

29 CFR 1910.303(g)(2)(ii): In locations where electric equipment was likely to be exposed to physical damage, enclosures or guards were not so arranged and of such strength as to prevent such damage.

On or about March 9, 2023, and times prior thereto, an electrical junction box in the 5/8 Building was not protected from physical damage, thus exposing employees to potential electrical hazards.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$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: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

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

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

29 CFR 1910.219(d)(1): Pulley(s) with part(s) seven feet or less from the floor or work platform were not guarded in accordance with the requirements specified in 29 CFR 1910.219(m) and (o):

On or about March 9, 2023, pulley(s) with rotating parts seven feet or less from the floor were not guarded against physical contact, exposing employees to caught-in-between hazards in the following instances (a-d):

- a) Unguarded tail pulley located on the Northwest Corner of the Pre-Clean Building.
- b) Unguarded tail pulley located at the Northern end of the 5/8 Building.
- c) Unguarded tail pulley located at the South end of the 5/8 Building, near operator station, and
- d) Unguarded tail pulley located in the Optical Building, adjacent to the elevated Operator Station.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 06, 2023**
Proposed Penalty: **\$156,259.00**

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: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

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

29 CFR 1910.219(e)(1)(i): Horizontal belts which had both runs seven feet or less from the floor level were not guarded with a guard that extended to at least fifteen inches above the belt:

On or about March 9, 2023, and times prior thereto, horizontal belts with both runs seven feet or less from the floor were not guarded, exposing employees to caught-in-between hazards in the following instances (a-d):

- a) 12-Mesh Building, Northern and Eastern Side
- b) Optical Building, Exterior and Southern Side
- c) Pre-Clean Exterior, Northern and Southern Side
- d) 5/8 Building, Southern and Western Side

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 06, 2023
Proposed Penalty:	\$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: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

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

29 CFR 1910.28(b)(15): 29 CFR 1910.28(b)(15): Walking-working surfaces not otherwise addressed. Except as provided elsewhere in this section or by other subparts of this part, the employer did not ensure each employee on a walking working surface 4 feet (1.2 m) or more above a lower level is protected from falling by one of the systems listed in 1910.28(b)(15)(i)-(iii).

On or about March 9, 2023, employees accessing the top of the glass crusher in the 12-Mesh Building were not provided fall protection and a work platform free from exposure to a fall hazard of more than four feet to the lower level.

Strategic Materials Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.28(b)(15), which was contained in OSHA inspection number 1500353, citation number One, item number Two and was affirmed as a final order on January 19, 2021, with respect to a workplace located at 3240 Robinson Road in Midlothian, TX.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 06, 2023**
Proposed Penalty: **\$34,375.00**

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: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

Citation 3 Item 2 Type of Violation: **Repeat - Serious**

29 CFR 1910.219(c)(4)(i): Unguarded projecting shaft end(s) did not present a smooth edge and end and projected more than one half the diameter of the shaft.

On or about March 9, 2023, unguarded projecting shaft end(s) did not present a smooth edge which exposed employees to caught-in hazards in the following instances (a-c):

- a) Unguarded projecting shaft not presenting a smooth edge and projected end length was more than half the diameter on the BT Binder sorting magnet assembly located outside of the South side of Optical Building;
- b) Unguarded projecting shaft not presenting a smooth edge and projected end length was more than half the diameter on the Hazemag machine located adjacent to the operator station in the 5/8 Building; and
- c) Unguarded projecting shaft not presenting a smooth edge on the south side exterior of the Optical Building, adjacent to electrical cabinet 0701.

Strategic Materials Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.219(c)(4)(i) which was contained in OSHA inspection number 1509329, citation number One, item number One/b and was affirmed as a final order on May 24, 2021, with respect to a workplace located at 3240 Robinson Road in Midlothian, TX.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 06, 2023**
Proposed Penalty: **\$34,375.00**

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: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065

Citation 3 Item 3 Type of Violation: **Repeat - Serious**

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven (7) feet or less above floors or platforms were not enclosed.

On or about March 9, 2023, rotating sprockets and chains less than seven (7) feet above the floor were not enclosed. Thus, exposing employees to amputation hazards.

Strategic Materials Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.219(f)(3), which was contained in OSHA inspection number 1508872 , citation number One, item number One and was affirmed as a final order on March 4, 2021, with respect to a workplace located at 8436 Kopman Drive, Houston, TX 77061.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 06, 2023**
Proposed Penalty: **\$34,375.00**

Timothy A. Minor

Timothy Minor
Area Director

U.S. Department of Labor
 Occupational Safety and Health Administration
 8713 Airport Freeway
 Suite 302
 Fort Worth, TX 76180



**INVOICE /
 DEBT COLLECTION NOTICE**

Company Name: Strategic Materials, Inc., dba Strategic Materials
Inspection Site: 3240 Robinson Road, Midlothian, TX 76065
Issuance Date: 09/08/2023

Summary of Penalties for Inspection Number: 1655540

Citation 1 Item 1, Serious	\$15,625.00
Citation 1 Item 2, Serious	\$15,625.00
Citation 1 Item 3, Serious	\$14,733.00
Citation 1 Item 4a, Serious	\$15,625.00
Citation 1 Item 4b, Serious	\$0.00
Citation 1 Item 5, Serious	\$15,625.00
Citation 1 Item 6, Serious	\$9,822.00
Citation 1 Item 7a, Serious	\$12,278.00
Citation 1 Item 7b, Serious	\$0.00
Citation 1 Item 8a, Serious	\$12,278.00
Citation 1 Item 8b, Serious	\$0.00
Citation 2 Item 1a, Willful - Serious	\$156,259.00
Citation 2 Item 1b, Willful - Serious	\$0.00
Citation 3 Item 1, Repeat - Serious	\$34,375.00
Citation 3 Item 2, Repeat - Serious	\$34,375.00
Citation 3 Item 3, Repeat - Serious	\$34,375.00

TOTAL PROPOSED PENALTIES: **\$370,995.00**

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 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.

Timothy A. Minor

Timothy Minor
Area Director

September 8, 2023

Date