

U.S. Department of Labor Occupational Safety and Health Administration
138 River Road
Suite 102, Shattuck Office Center
Andover, MA 01810



11/01/2023

PolyCarbon Industries, Inc./SEQENS SAS
and its successors
15 Perry Way
Newburyport, MA 01950

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 2023, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I will welcome further discussions in person or by telephone. Please contact me at (978) 837-4460.

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,

Sarah T. Carle
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
138 River Road
Suite 102, Shattuck Office Center
Andover, MA 01810



Citation and Notification of Penalty

To:
PolyCarbon Industries, Inc./SEQENS SAS
and its successors
15 Perry Way
Newburyport, MA 01950

Inspection Number: 1667708
Inspection Date(s): 05/04/2023 - 05/04/2023
Issuance Date: 11/01/2023

Inspection Site:
9 Opportunity Way
Newburyport, MA 01950

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 (978) 837-4460. 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 11/01/2023. The conference will be held by telephone or at the OSHA office located at 138 River Road, Suite 102, Shattuck Office Center, Andover, MA 01810 on _____ at _____ . Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1667708

Company Name: PolyCarbon Industries, Inc./SEQENS SAS
Inspection Site: 9 Opportunity Way, Newburyport, MA 01950
Issuance Date: 11/01/2023

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,
138 River Road, Suite 102, Shattuck Office Center, Andover, MA 01810.**

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: PolyCarbon Industries, Inc./SEQENS SAS
Inspection Site: 9 Opportunity Way, Newburyport, MA 01950

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to fire and explosion hazards from combustible dust.

Location - Throughout; Hastelloy Suite. On or about 5/4/2023, the employer did not determine the combustibility hazards of materials used during the Dekon 139 production process such as but not limited to Unit 5: PFN2 - Drying Dekon, Unit 6 Sifting and Milling and Unit 7: Final Packaging) to protect employees from fire and explosion hazards of combustible dust.

Among other methods, one feasible and acceptable abatement method to correct these hazards are to comply with relevant provisions in NFPA 652 (2019) Standard on the Fundamentals of Combustible Dust. Examples of such provisions include:

- (1) Determine the combustibility and explosibility hazards of materials used in the Dekon 139 production process such as but not limited to Unit 5: PFN2 – Drying Dekon, Unit 6 Sifting and Milling and Unit 7: Final Packaging;
- (2) Identify and assess any fire, flash fire, and explosion hazards to determine the likelihood and potential severity of a fire or explosion due combustible dust.
- (3) Manage the identified fire, flash fire, and explosion hazards through risk mitigation implementation of various safeguards (management systems - engineered controls for controlling combustible dust hazards).
- (4) Develop written procedures to address the hazards of combustible dust.
- (5) Train all employees and contractors on the hazards of combustible dust.
- (6) Conduct inspections, testing, and maintenance on all equipment affecting the prevention, control, and mitigation of combustible dust fires, deflagrations, and explosions.

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: 1667708
Inspection Date(s): 05/04/2023 - 05/04/2023
Issuance Date: 11/01/2023



Citation and Notification of Penalty

Company Name: PolyCarbon Industries, Inc./SEQENS SAS
Inspection Site: 9 Opportunity Way, Newburyport, MA 01950

- (7) Ensure that equipment is maintained and operated in a manner that minimizes the escape of dust.
- (8) Conduct a risk assessment to determine the risk of heat from mechanical sparks and friction, in accordance with NFPA 652 Section 9.4.12

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

December 20, 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.



Citation and Notification of Penalty

Company Name: PolyCarbon Industries, Inc./SEQENS SAS
Inspection Site: 9 Opportunity Way, Newburyport, MA 01950

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

29 CFR 1910.119(f)(1): Written operating procedures providing clear instruction for conducting operations in a covered process safely and consistently with process safety information addressing all of the elements listed in 29 CFR 1910.119(f)(1)(i) through 29 CFR 1910.119(f)(1)(iv) have not been developed and/or implemented:

Location - Throughout; Hastelloy Suite.

On or about 5/4/2023, the employer failed to implement a step in their written procedures when the PFN-2 agitator bolt was not checked for the proper tightness, as indicated on page 13 of the PFN-2 user manual as well as in step 18.4.8 in the general cleaning format procedures of the PFN-2 standard operating procedures (SOP). Implementing these steps would prevent loosening of the PFN-2 agitator bolt during operations, that could potentially cause catastrophic failure of internal components and expose employees to potential fire and explosion hazards.

Or in the alternative:

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

Location - Throughout; Hastelloy Suite.

On or about 5/4/2023, the employer did not implement written procedures to maintain the on-going integrity of the PFN-2 agitator bolt by checking the proper tightness of the bolt, indicated on page 13 of the PFN-2 user manual as well as in step 18.4.8 in the general cleaning format procedures of the PFN-2 standard operating procedures (SOP).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

December 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.



Citation and Notification of Penalty

Company Name: PolyCarbon Industries, Inc./SEQENS SAS
Inspection Site: 9 Opportunity Way, Newburyport, MA 01950

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

29 CFR 1910.119(f)(1)(ii)(A): The employer did not develop and implement written operating procedures that addressed the consequences of deviations from the operating limits in the covered process;

Location - 9 Opportunity Way, Newburyport, MA 01950 - Throughout and Hastelloy Suite.

On or about 5/4/2023, the employer did not establish written operating procedures that provided clear instruction on consequences of deviation from operations including, but not limited to, the following:

- a) Written operating procedures did not address consequences of deviation for a step in the operating procedures, where vacuum pressure must be relieved to open the handway to take a sample.
- b) Written operating procedures did not address consequences of deviation for a step in the operating procedures, where nitrogen pressure must be added to keep contaminants out of the vessel while taking a sample.
- c) Written operating procedures did not address consequences of deviation for pressure needed during the cooling step of the Dekon 139 process.
- d) Written operating procedures did not address the consequences of deviation for a step in the operating procedures, where argon was needed to inert 55-gallon drums of Dekon 139 product.
- e) Written operating procedures did not address the consequences of deviation for the unexpected opening of the PFN-2 vessel discharge chute during the Dekon 139 production process.
- f) Written operating procedures did not address the consequences of deviation for temperatures of the product within the PFN-2 process vessel during the Dekon 139 production process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

December 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: PolyCarbon Industries, Inc./SEQENS SAS
Inspection Site: 9 Opportunity Way, Newburyport, MA 01950

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

29 CFR 1910.119(f)(1)(ii)(B): The employer did not develop and implement written operating procedures that provide clear instructions for steps required to correct or avoid deviation from the operating limits in the covered process.

Location - 9 Opportunity Way Newburyport, MA 01950.

On or about 5/4/2023, the employer did not establish written operating procedures that provided clear instruction on steps to correct and avoid deviations from operations including, but not limited to, the following:

- a) Written operating procedures did not address steps to correct or avoid deviations for a step in the operating procedures, where vacuum pressure must be relieved to open the handway to take a sample.
- b) Written operating procedures did not address steps to correct or avoid deviations for a step in the operating procedures, where nitrogen pressure must be added to keep contaminants out of the vessel while taking a sample.
- c) Written operating procedures did not address steps to correct or avoid deviations for pressure needed during the cooling step of the Dekon 139 process.
- d) Written operating procedures did not address steps to correct or avoid deviations for a step in the operating procedures, where argon was needed to inert 55-gallon drums of Dekon 139 product.
- e) Written operating procedures did not address steps to correct or avoid deviations for the unexpected opening of the PFN-2 vessel discharge chute during the Dekon 139 production process.
- f) Written operating procedures did not address steps to correct or avoid deviations for temperatures of the product within the PFN-2 process vessel during the Dekon 139 production process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: December 20, 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: 1667708
Inspection Date(s): 05/04/2023 - 05/04/2023
Issuance Date: 11/01/2023



Citation and Notification of Penalty

Company Name: PolyCarbon Industries, Inc./SEQENS SAS
Inspection Site: 9 Opportunity Way, Newburyport, MA 01950

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

29 CFR 1910.119(l)(4): Process safety information required by paragraph (d) of this section was not updated when a change covered by this paragraph resulted in a change in the process safety information.

Location - Throughout; Hastelloy Suite.

On or about 5/4/2023, the employer did not update the process safety information to include steps to avoid consequences of deviation in temperature, properties and hazards of the chemicals used in the process, and operating procedures and safe work practices for use of the temperature probe modification on the PFN-2 vessel.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

December 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: 1667708
Inspection Date(s): 05/04/2023 - 05/04/2023
Issuance Date: 11/01/2023



Citation and Notification of Penalty

Company Name: PolyCarbon Industries, Inc./SEQENS SAS
Inspection Site: 9 Opportunity Way, Newburyport, MA 01950

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

29 CFR 1910.119(l)(5): The employer did not update process safety information following a change in the covered process.

Location - Throughout.

On or about 5/4/2023, the standard operating procedures (SOP) for the Dekon 139 production process were not updated to include the addition of the temperature probe and related operating limits for temperature.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

December 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: 1667708
Inspection Date(s): 05/04/2023 - 05/04/2023
Issuance Date: 11/01/2023



Citation and Notification of Penalty

Company Name: PolyCarbon Industries, Inc./SEQENS SAS
Inspection Site: 9 Opportunity Way, Newburyport, MA 01950

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

29 CFR 1910.119(m)(6): The November 2022 Compliance Audit report was not reviewed with all affected personnel whose job tasks are relevant to the incident findings including contract employees where applicable:

Location - Throughout; Hastelloy Suite.

On or about 5/4/2023, the employer failed to review November 2022 Compliance Audit report with all affected personnel whose job tasks are relevant to the report findings.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

December 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: 1667708
Inspection Date(s): 05/04/2023 - 05/04/2023
Issuance Date: 11/01/2023



Citation and Notification of Penalty

Company Name: PolyCarbon Industries, Inc./SEQENS SAS
Inspection Site: 9 Opportunity Way, Newburyport, MA 01950

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

29 CFR 1910.1200(d)(2): Chemical manufacturers, importers, or employers classifying chemicals did not identify and/or consider the full range of available scientific literature and other evidence concerning the potential hazards.

Location - Throughout.

On or about 5/4/2023, the employer did not update the Safety Data Sheet (SDS) for Dekon 139 after tests were conducted on the product to determine thermal decomposition as well as flammability.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

December 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: PolyCarbon Industries, Inc./SEQENS SAS
Inspection Site: 9 Opportunity Way, Newburyport, MA 01950

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

29 CFR 1910.119(d)(2)(i)(D): Information concerning the technology of the process did not include safe upper and lower limits for such items as temperatures, pressures, flows or compositions:

Location - 9 Opportunity Way, Newburyport, MA 01950 - Throughout and Hastelloy Suite.

On or about 5/4/2023, the employer did not include the safe upper and lower limits for temperature to prevent the decomposition of the Dekon 139 product.

PolyCarbon Industries, Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.119(d)(2)(i)(D), which was contained in OSHA inspection number 1463040, Citation 1, Item 1-a and was affirmed as a final order on 11/19/2020, with respect to a workplace located at 9 Opportunity Way, Newburyport, MA 01950.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	December 06, 2023
Proposed Penalty:	\$85,938.00

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: PolyCarbon Industries, Inc./SEQENS SAS
Inspection Site: 9 Opportunity Way, Newburyport, MA 01950

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

29 CFR 1910.119(d)(2)(i)(E): The employer failed to perform an evaluation of the consequences of deviations, including those effecting the safety and health of employees.

Location - 9 Opportunity Way Newburyport, MA 01950.

On or about 5/4/2023, the employer did not evaluate the consequences of deviation for the Dekon 139 production process, including possible consequences such as flammable substances spilling out of the PFN-2 discharge chute unexpectedly, exposing employees to fire and explosion hazards.

PolyCarbon Industries, Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.119(d)(2)(i)(D), which was contained in OSHA inspection number 1463040, Citation 1, Item 1-b and was affirmed as a final order on 11/19/2020, with respect to a workplace located at 9 Opportunity Way, Newburyport, MA 01950.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	December 06, 2023
Proposed Penalty:	\$85,938.00

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: PolyCarbon Industries, Inc./SEQENS SAS
Inspection Site: 9 Opportunity Way, Newburyport, MA 01950

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

29 CFR 1910.119(h)(2)(vi): The employer did not maintain a contract employee injury and illness log related to the contractor's work in process areas:

Location: Throughout; Hastelloy Suite.

On or about May 4, 2023, the employer did not have a program in place that tracked contract employee's injury and illnesses related to the contractor's work in the process areas.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

December 20, 2023

Proposed Penalty:

\$1,378.00

Sarah T. Carle
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
138 River Road
Suite 102, Shattuck Office Center
Andover, MA 01810



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: PolyCarbon Industries, Inc./SEQENS SAS
Inspection Site: 9 Opportunity Way, Newburyport, MA 01950
Issuance Date: 11/01/2023

Summary of Penalties for Inspection Number: 1667708

Citation 1 Item 1, Serious	\$15,625.00
Citation 1 Item 2, Serious	\$15,625.00
Citation 1 Item 3, Serious	\$15,625.00
Citation 1 Item 4, Serious	\$15,625.00
Citation 1 Item 5, Serious	\$15,625.00
Citation 1 Item 6, Serious	\$15,625.00
Citation 1 Item 7, Serious	\$15,625.00
Citation 1 Item 8, Serious	\$15,625.00
Citation 2 Item 1, Repeat - Serious	\$85,938.00
Citation 2 Item 2, Repeat - Serious	\$85,938.00
Citation 3 Item 1, Other-than-Serious	\$1,378.00

TOTAL PROPOSED PENALTIES: **\$298,254.00**

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.

Sarah T. Carle
Area Director

11/1/2023
Date