

**U.S. Department of Labor**  
 Occupational Safety and Health Administration  
 SUITE 407  
 405 CAPITOL STREET  
 CHARLESTON, WV 25301  
 Phone: (304)347-5937 FAX: (304)347-5275



## Citation and Notification of Penalty

**To:**  
 Bayer CropScience, LP

**Inspection Number:** 311684252  
**Inspection Date(s):** 08/29/2008 - 02/26/2009

and its successors  
 Post Office Box 1005  
 Institute, WV 25112

**Issuance Date:** 02/26/2009

**Inspection Site:**  
 Route 25  
 Institute, WV 25112

*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 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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

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

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

If you decide to request an informal conference, please complete, remove and post the page 4 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.

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

**Notification of Corrective Action** - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the correction took place.

**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.

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 your inspection will be available 30 calendar days after the Citation Issuance Date. 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.

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/26/2009. The conference will be held at the OSHA office located at SUITE 407, 405 CAPITOL STREET, CHARLESTON, WV, 25301 on \_\_\_\_\_ at \_\_\_\_\_.

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

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

**Inspection Number:** 311684252  
**Inspection Dates:** 08/29/2008 - 02/26/2009  
**Issuance Date:** 02/26/2009



**Citation and Notification of Penalty**

**Company Name:** Bayer CropScience, LP  
**Inspection Site:** Route 25, Institute, WV 25112

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

29 CFR 1910.119(e)(3)(i): The Process Hazard Analysis did not address the hazards of the process:

- (a) **Methomyl Unit:** The Process Hazard Analysis for the Methomyl process did not evaluate and control the hazard of allowing methomyl to enter the Residue Treater at a concentration greater than what the cooling system and pressure relief system was designed to handle during a hazardous decomposition of the methomyl.

**ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** 03/30/2009  
**Proposed Penalty:** \$ 7000.00

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

29 CFR 1910.119(e)(3)(vii): The Process Hazard Analysis did not address a qualitative evaluation of the range of possible safety and health effects of failure of controls on employees in the workplace:

- (a) **Methomyl Unit:** The Process Hazard Analysis for the Methomyl Process did not address the range of safety and health effects on employees that were possible from an over pressurization of the Residue Treater which contains over two thousand gallons of flammable liquids.

**ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** 03/30/2009  
**Proposed Penalty:** \$ 7000.00

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

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### Citation and Notification of Penalty

**Company Name:** Bayer CropScience, LP  
**Inspection Site:** Route 25, Institute, WV 25112

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

29 CFR 1910.119(f)(1)(i)(E): The employer's written operating procedures covering the steps for each operating phase did not address emergency operations:

- (a) **Methomyl Unit:** Written emergency procedures were not in place to instruct the inside and outside operators as to what actions to take when engineering and administrative controls failed to mitigate a hazardous uncontrolled decomposition of methomyl inside the Residue Treater.

#### ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM

**Date By Which Violation Must be Abated:** 03/30/2009  
**Proposed Penalty:** \$ 7000.00

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

29 CFR 1910.119(f)(1)(i)(G): The employer's written operating procedures covering the steps for each operating phase did not address startup following a turnaround, or after an emergency shutdown:

- (a) **Methomyl Unit:** The written operating procedures for start up of the Oxime/Methomyl process following a turnaround or emergency shut down did not include the procedures for the solvent run that was done prior to start up of the process.

#### ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM

**Date By Which Violation Must be Abated:** 03/30/2009  
**Proposed Penalty:** \$ 7000.00

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**Citation and Notification of Penalty**

**Company Name:** Bayer CropScience, LP  
**Inspection Site:** Route 25, Institute, WV 25112

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

29 CFR 1910.119(f)(1)(ii)(B): The employer's written operating procedures covering the operating limits do not address the steps required to correct or avoid deviation beyond such operating limits.

- (a) Methomyl Unit: The written operating procedures for the Methomyl Process did not address the steps required to correct or avoid the deviation of pressure in excess of 25 psig in the Residue Treater.
- (b) Methomyl Unit: The written operating procedures for the Methomyl Process did not address the steps required to correct or avoid deviation of methomyl content in excess of 0.5% in the Flasher Feed Tank.

**ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** 03/30/2009  
**Proposed Penalty:** \$ 7000.00

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### Citation and Notification of Penalty

**Company Name:** Bayer CropScience, LP  
**Inspection Site:** Route 25, Institute, WV 25112

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

29 CFR 1910.119(g)(1)(i): The employer did not train each employee, before being involved in operating a newly assigned process, in an overview of the process and in the operating procedures as specified in 29 CFR 1910.119(f) and did not include emphasis on the specific safety and health hazards of the process:

- (a) **Methomyl Unit:** The employer did not train the Methomyl unit's new Technical Advisor on all of the startup procedures for the Methomyl Process including, but not limited to, the correct startup of the Residue Treater so as to assure that process operators understood and adhered to the correct written operating procedures.
- (b) **Methomyl Unit:** Employees working in the Methomyl Process were not trained to recognize that the concentration of methomyl in the Flasher Column tail stream going to the Residue Treater was much higher than the sampled stream going into the Flasher Column and the hazards associated with this concentrated methomyl stream.

#### ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM

**Date By Which Violation Must be Abated:** 03/30/2009  
**Proposed Penalty:** \$ 7000.00

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**Citation and Notification of Penalty**

**Company Name:** Bayer CropScience, LP  
**Inspection Site:** Route 25, Institute, WV 25112

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

29 CFR 1910.119(g)(2): The employer did not provide refresher training at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to current operating procedures of the process and did not consult with employees in determining the appropriate frequency interval for refresher training:

- (a) **Methomyl Unit:** The employer did not perform training often enough on the startup of the Residue Treater to assure that employees understood and adhered to the current operating procedures in that employees were using the Flasher Column tails, that contained an unknown quantity of methomyl, to fill the residue treater instead of filling it from the Fresh MIBK Tank.
- (b) **Methomyl Unit:** The employer did not perform training often enough on the startup of the Residue Treater to assure that employees understood and adhered to the current operating procedures in that employees did not sample the contents of the Residue Treater prior to heating it to determine if there is any methomyl inside the Residue Treater.
- (c) **Methomyl Unit:** The employer did not consult with employees involved in operating the process to determine the appropriate frequency of refresher training.

**ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** 03/30/2009  
**Proposed Penalty:** \$ 7000.00

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### **Citation and Notification of Penalty**

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

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

29 CFR 1910.119(l)(5): A change covered by 29 CFR 1910.119 (l) resulted in a change in the operating procedures or practices required by 29 CFR 1910.119(f), and such procedures or practices were not updated:

- (a) Methomyl Unit: The employer did not update the written operating procedures after a change was done that required a Management of Change in that the written operating procedures did not include how to input the solvent ratio into the new Siemens control system.
- (b) Methomyl Unit: The employer did not update the written operating procedures after a change was done that required a Management of Change in that the written operating procedures still referenced that the unit was operated using the Honeywell computer operating system and not the new Siemens operating system.

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

**Date By Which Violation Must be Abated:** 03/30/2009  
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### Citation and Notification of Penalty

**Company Name:** Bayer CropScience, LP  
**Inspection Site:** Route 25, Institute, WV 25112

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

29 CFR 1910.119(f)(3): The employer did not ensure that operating procedures were reviewed as often as necessary to reflect current operating practice, and the employer did not certify annually that the operating procedures are current and accurate:

- (a) **Methomyl Unit:** The employer did not annually certify the operating procedures for the methomyl process to determine if the procedures were current and accurate.
- (b) **Methomyl Unit:** The critical operating parameters for High Methomyl Reactor Temperature were not current and accurate in that one of the never exceed responses is to notify a shift supervisor. There have not been shift supervisors as part of the management organization since 2005.
- (c) **Methomyl Unit:** The critical operating parameters for High MIC Stripping Still Temperature were not current and accurate in that one of the never exceed responses is to notify a shift supervisor. There have not been shift supervisors as part of the management organization since 2005.
- (d) **Methomyl Unit:** The critical operating parameters for High Crystallizer Feed Tank Temperature were not current and accurate in that one of the never exceed responses is to notify a shift supervisor. There have not been shift supervisors as part of the management organization since 2005.
- (e) **Methomyl Unit:** The critical operating parameters for High Dryer Temperature were not current and accurate in that one of the never exceed responses is to notify a shift supervisor. There have not been shift supervisors as part of the management organization since 2005.
- (f) **Methomyl Unit:** The critical operating parameters for High Methomyl Concentration in the Residue Treater were not current and accurate in that one of the never exceed responses is to notify a shift supervisor. There have not been shift supervisors as part of the management organization since 2005.
- (g) **Methomyl Unit:** The critical operating parameters for High MIC Feed Tank Temperature, Pressure & Venting were not current and accurate in that one of the never exceed responses is to notify a shift supervisor. There have not been shift supervisors as part of the management organization since 2005.

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

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**Citation and Notification of Penalty**

**Company Name:** Bayer CropScience, LP  
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- (h) **Methomyl Unit:** The critical operating parameters for High Hydrogen Peroxide Tank Temperature were not current and accurate in that one of the never exceed responses is to notify a shift supervisor. There have not been shift supervisors as part of the management organization since 2005.

**ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** 03/30/2009

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

29 CFR 1910.119(j)(4)(iii): The frequency of inspections and tests of process equipment to maintain its mechanical integrity, is not consistent with applicable manufacturers' recommendations and good engineering practices, or more frequently if determined to be necessary by prior operating experience:

- (a) **Methomyl Unit:** The MIC Stripping Still has not had an internal inspection and/or thickness measurements done within the required time frame per API 510 or Recognized and Generally Accepted Good Engineering Practices (RAGAGEP) in that the last recorded inspection for corrosion was thickness measurements done in 1996.

**ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** 03/30/2009  
**Proposed Penalty:** \$ 5000.00

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

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**Citation and Notification of Penalty**

**Company Name:** Bayer CropScience, LP  
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**Citation 1 Item 10 Type of Violation: **Serious****

29 CFR 1910.132(a): Protective equipment was not used when necessary whenever hazards capable of causing injury and impairment were encountered:

- (a) Methomyl Unit: Employees were not provided and required to wear flame-resistant garments around processes containing flammable liquids with the potential for a flash fire.

**ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** 03/30/2009  
**Proposed Penalty:** \$ 7000.00

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

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### Citation and Notification of Penalty

**Company Name:** Bayer CropScience, LP  
**Inspection Site:** Route 25, Institute, WV 25112

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

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

29 CFR 1910.134(k)(1)(i): The employer did not ensure that each employee could demonstrate knowledge of why the respirator was necessary:

- (a) **Methomyl Unit:** Employees were not properly trained on the need to wear a supplied air respirator during every re-opening of equipment that has contained Methyl Isocyanate (MIC) in that an employee did not wear a supplied air respirator while opening a vent on the MIC Dump Tank to check for the presence of MIC on or about September 29, 2008.
- (b) **Methomyl Unit:** Employees were not properly trained on the need to wear a supplied air respirator during every re-opening of equipment that has contained Methyl Isocyanate (MIC) in that an employee did not wear a supplied air respirator while opening a manway on the side of the MIC Dump Tank on or about September 29, 2008.

#### ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 03/30/2009  
Proposed Penalty: \$ 5000.00

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**  
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### Citation and Notification of Penalty

**Company Name:** Bayer CropScience, LP  
**Inspection Site:** Route 25, Institute, WV 25112

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

29 CFR 1910.119(f)(4): The employer did not develop and implement safe work practices for employees and contractor employees to provide for the control of hazards during operations such as opening process equipment or piping:

- (a) **Methomyl Unit:** The written Initial Break Procedure did not require the use of air sampling equipment on all initial breaks into equipment that may have contained MIC. Failure to use air sampling equipment while wearing a supplied air respirator would not alert employees to the presence of toxic and flammable MIC vapors when breaking into process equipment. An employee failed to utilize air sampling equipment while opening a vent on the MIC Dump Tank to check for the presence of MIC on or about September 29, 2008.
- (b) **Methomyl Unit:** The written Initial Break Procedure did not require the use of air sampling equipment on all initial breaks into equipment that may have contained MIC. Failure to use air sampling equipment while wearing a supplied air respirator would not alert employees to the presence of toxic and flammable MIC vapors when breaking into process equipment. An employee did not use air sampling equipment while opening a manway on the side of the MIC Dump Tank on or about September 29, 2008.

**ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** 03/30/2009

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

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**Citation and Notification of Penalty**

**Company Name:** Bayer CropScience, LP  
**Inspection Site:** Route 25, Institute, WV 25112

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

29 CFR 1910.119(e)(3)(v): The Process Hazard Analysis did not address facility siting:

- (a) **Methomyl Unit:** The 2004 Process Hazard Analysis for the Methomyl process did not resolve all of the issues posed by the PHA team on facility siting in that it was not determined if the unit's structure and equipment were considered for factors resulting from heat, pressure waves, overloading, chemical effects, vibration due to powered equipment, soft subsoil, and climatic effects such as freezing, earthquakes, and wind.

BAYER CROPSCIENCE WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD (NAME PREVIOUSLY CITED STANDARD) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 307070508, CITATION NUMBER 01, ITEM NUMBER 004, ISSUED ON 01-18-2006. THIS ITEM BECAME FINAL ORDER ON 7-13-2006, AND ABATEMENT WAS CERTIFIED ON 11-21-2006 WITH RESPECT TO A WORKPLACE LOCATED AT INSTITUTE, WV.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM

**Date By Which Violation Must be Abated:** 03/30/2009  
**Proposed Penalty:** \$ 35000.00

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



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### **Citation and Notification of Penalty**

**Company Name:** Bayer CropScience, LP  
**Inspection Site:** Route 25, Institute, WV 25112

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### **Citation 2 Item 2 Type of Violation: Repeat**

29 CFR 1910.119(e)(5): The employer did not establish a system to assure that the documented action items from a process hazard analysis were completed according to schedule:

- (a) **Methomyl Unit:** The employer failed to complete all action items developed from the 2004 Methomyl Unit Process Hazard Analysis. An action item was developed in 2005 to determine if the pressure safety valves at the inlet and outlet of the Methomyl Reactor were capable of handling the pressure rise from a methomyl decomposition scenario that could result in rupturing the reactor. This action item should have been completed by December 31, 2006, but was not completed as of August 29, 2008.
- (b) **Methomyl Unit:** The employer failed to complete all action items developed from the 2004 Methomyl Unit Process Hazard Analysis. An action item was developed to evaluate and outline corrective actions for the scenario of overheating the Centrifuge Feed Tank due to over circulation and eventual decomposition of methomyl inside the tank that could result in a rupture of the vessel. This action item should have been completed by December 31, 2007, but was not completed as of August 29, 2008.
- (c) **Methomyl Unit:** The employer failed to complete all action items developed from the 2004 Methomyl Unit Process Hazard Analysis. An action item was developed to update the written operating procedures to require closing a block valve at the inlet of the Fines Settler during high pressure to prevent backflow to the Centrifuges that would add to any fire or release occurring at the Centrifuges. This action item should have been completed by December 31, 2007, but was not completed as of August 29, 2008.
- (d) **Methomyl Unit:** The employer failed to complete all action items developed from the 2004 Methomyl Unit Process Hazard Analysis. An action item was developed to car seal open a common vent line to address the hazard of premature opening of a rupture disk on the Flasher Feed Drum that could result in a flammable vapor cloud. This action item should have been completed by December 31, 2007, but was not completed as of August 29, 2008.
- (e) **Methomyl Unit:** The employer failed to complete all action items developed from the 2004 Methomyl Unit Process Hazard Analysis. An action item was developed to eliminate a rupture disc on the Flasher Feed Drum to avoid premature opening of the rupture disk that could result in a flammable vapor cloud. This action item should have been completed by December 31, 2007, but was not completed as of August 29, 2008.

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- (f) **Methomyl Unit:** The employer failed to complete all action items developed from the 2004 Methomyl Unit Process Hazard Analysis. An action item was developed to either re-evaluate the Maximum Allowable Working Pressure (MAWP) rating of the Recovered MIBK Tank or adjust the Pressure Safety Valve to release below the MAWP of the vessel. This action item should have been completed by December 31, 2007, but was not completed as of August 29, 2008.
- (g) **Methomyl Unit:** The employer failed to complete all action items developed from the 2004 Methomyl Unit Process Hazard Analysis. An action item was developed to vent a pressure safety valve on the Fresh Hexane Tank to a vent header instead of directly to the atmosphere. This action item should have been completed by December 31, 2006, but was not completed as of August 29, 2008.
- (h) **Methomyl Unit:** The employer failed to complete all action items developed from the 2004 Methomyl Unit Process Hazard Analysis. An action item was developed to vent a pressure safety valve on the Hot MIBK Tank to a vent header instead of directly to the atmosphere. This action item should have been completed by December 31, 2007, but was not completed as of August 29, 2008.
- (i) **Methomyl Unit:** The employer failed to complete all action items developed from the 2004 Methomyl Unit Process Hazard Analysis. An action item was developed to determine the maximum temperature capable in the Hot MIBK Tank, due to failure of a temperature indicator, to see if this would create a hazardous decomposition in the process. This action item should have been completed by December 31, 2006, but was not completed as of August 29, 2008.

**BAYER CROPSCIENCE WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD (NAME PREVIOUSLY CITED STANDARD) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 307070508, CITATION NUMBER 02, ITEM NUMBER 001, ISSUED ON 01-18-2006. THIS ITEM BECAME FINAL ORDER ON 7-13-2006, AND ABATEMENT WAS CERTIFIED ON 11-21-2006 WITH RESPECT TO A WORKPLACE LOCATED AT INSTITUTE, WV.**

**ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM**

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:** 311684252  
**Inspection Dates:** 08/29/2008 - 02/26/2009  
**Issuance Date:** 02/26/2009



**Citation and Notification of Penalty**

**Company Name:** Bayer CropScience, LP  
**Inspection Site:** Route 25, Institute, WV 25112

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**Date By Which Violation Must be Abated:** 03/30/2009  
**Proposed Penalty:** \$ 35000.00

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Jeff Funke  
Area Director

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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  
 SUITE 407  
 405 CAPITOL STREET  
 CHARLESTON, WV 25301  
 Phone: (304)347-5937 FAX: (304)347-5275



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Bayer CropScience, LP  
**Inspection Site:** Route 25, Institute, WV 25112  
**Issuance Date:** 02/26/2009

**Summary of Penalties for Inspection Number 311684252**

<b>Citation 1, Serious</b>	= \$ 73000.00
<b>Citation 2, Repeat</b>	= \$ 70000.00
<b>TOTAL PROPOSED PENALTIES</b>	= \$ 143000.00

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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.

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

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

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

**Interest.** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 2%. 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.

Jeff Funke  
Jeff Funke  
Area Director

2/26/09  
Date