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OSHA Fines U.S. Minerals \$396,000 for Alleged Hazardous Dust, PPE and Training Violations

On Dec. 7, OSHA cited U.S. Minerals LLC with willfully exposing its workers to dangerously high levels of hazardous dust and not providing adequate breathing protection and training for workers at its facility in Coffeen, Ill. The company, however, is contesting the violations and called OSHA's allegations "incomplete, overstated and/or inaccurate."

Laura Walter | Dec 09, 2010

OSHA issued U.S. Minerals, headquartered in Dyer, Ind., a total of 28 health and safety citations with proposed penalties of \$396,000.

"U.S. Minerals has severely jeopardized the health and safety of its workers by exposing them to extremely high levels of hazardous dust and other dangers," said OSHA Administrator Dr. David Michaels. "This is the fourth U.S. Minerals facility where very serious violations were cited in the past 3 months, clearly indicating these problems are widespread and systemic."

Inhalation of the hazardous dust material produced at the facility can cause debilitating lung disease such as pneumoconiosis, which is characterized by symptoms including chronic cough, difficulty breathing and shortness of breath, according to OSHA.

In a Dec. 8 company statement sent to *EHS Today*, U.S. Minerals disputed the agency's allegations.

"U.S. Minerals disagrees with OSHA's findings and statements and will protect its rights in contesting the alleged violations and penalties," the company stated.

"Many of OSHA's allegations and statements are incomplete, overstated and/or inaccurate," the statement continued. "U.S Minerals has stated its concern in the past regarding the current regulatory environment, where OSHA is not only aggressively pursuing a small company like U.S. Minerals, but is

then going out of its way to further damage the company and its reputation with inaccurate and misleading press releases.”

Citations and Proposed Penalties

OSHA issued the U.S. Minerals Coffeen facility six willful citations with proposed fines of \$336,000 for exposing workers to levels of hazardous dust at concentrations higher than the permissible exposure limit; failure to implement a written respiratory protection program or to mandate employees wear respirators; failure to implement engineering controls to reduce harmful dust exposures; and failure to develop and utilize energy control procedures.

The company has received seven repeat citations with fines of \$34,200 for violating permit-required confined space entry rules, failure to provide fall protection, failure to provide required training on energy procedures and failure to provide guards on mechanical powered equipment.

OSHA also issued 10 serious citations with proposed penalties of \$24,000. Violations include failure to assess the need for adequate personal protective equipment; inadequate eye protection; failure to develop procedures and practices for permit-required confined space entry; lack of a written hazard communication program; inadequate information and training on dust containing silica; and failure to cover floor holes and enclose electrical boxes. Finally, the company received five other-than-serious citations with \$1,800 in penalties for lack of proper injury and illness recordkeeping.

According to OSHA, this investigation falls under the requirements of the agency’s Severe Violators Enforcement Program , which focuses on recalcitrant employers who endanger workers by committing certain willful, repeat or failure-to-abate violations.

U.S. Minerals manufactures abrasive blasting and roofing materials from slag produced at coal-fired power plants. In September, OSHA issued a \$466,400 penalty to the company’s facility in Baldwin, Ill., citing 35 health and safety violations. As a result of the conditions found at that worksite, OSHA initiated inspections of the company’s other facilities, including the Coffeen location. The company’s Harvey, La., operation was cited last month with 30 violations and proposed penalties of \$110,400. The Galveston, Texas, facility recently was fined \$273,000 and cited with 38 violations for exposing workers to fall and machine guarding hazards.

As indicated in the company statement, U.S. Minerals plans to contest OSHA’s violations.

“U.S. Minerals provides employees with all necessary personal protective equipment including respiratory protection. These respirators provide a level of protection that ensures respiratory safety at

dust exposure levels well beyond those that have been identified in these allegations. The company was also cited for failure to develop a permit required confined space entry program. However, OSHA agreed with the company in 2008 that such a program was not required,” the statement asserted.

“Ultimately, we disagree with the allegations and believe our safety record speaks for itself. We look forward to working with OSHA to reach a prompt and agreeable resolution of this matter.”

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