

State of New Mexico
 Environment Department
 Occupational Health and Safety Bureau
 525 Camino de los Marquez, Suite 3
 Santa Fe NM 87505
 Phone: (505) 476-8700 Fax: (505) 476-8734



Citation and Notification of Penalty

To:
 Raysteel, Inc.
 AND ITS SUCCESSORS
 8815 2nd Street NW
 Albuquerque, NM 87114

Inspection Number: 1644789
Inspection Date(s): 01/19/2023-01/19/2023
Issuance Date: 05/02/2023

Inspection Site:
 8815 2nd Street NW
 Albuquerque, NM 87114

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 Environment Department, Occupational Health and Safety Bureau at the address shown above. 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, at the request of an employer, affected employee, or representative of employees, the Bureau Chief or the Bureau Chiefs designee may hold an informal conference. At this conference any issues raised by an inspection, citation, proposed penalty, proposed petition for modification of abatement date or proposed petition for variance may be discussed. If you intend to request an informal conference, take care to schedule it early enough to allow time to contest after the informal conference discussion, should you decide to do so.

When the conference is requested by an employer, an affected employee or representative shall be afforded an opportunity to participate, at the discretion of the Bureau Chief or Bureau Chiefs designee. When the conference is requested by an employee or representative of employees, the employer shall be afforded an opportunity to participate, at the discretion of the Bureau Chief or Bureau Chiefs designee.

The request for an informal conference and the informal conference meeting shall not extend or modify in any manner:

- 1) an abatement date established in the citation;
- 2) the deadline for an employer to file a notice of contest;
- 3) any other filing deadline related to the citation; or
- 4) any matter pending before the bureau.

Once an employer files a notice of contest, a petition for modification of the abatement date, a request for a commission hearing, a petition for variance, or other filing with the Occupational Health and Safety Review Commission or the Environment Department, the opportunity for an informal conference is no longer available.

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 Bureau Chief 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. It is recommended that the Notice of Contest be filed via "Certified Mail".

Penalty Payment- Penalties are due within 15 working days of receipt of this notification unless contested. Make your check or money order payable to the Environment Department, Occupational Health and Safety Bureau. 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 violations which you do not contest, you should notify the Occupational Health and Safety Bureau (OHSB) that each cited violation has been abated. To certify abatement, you should complete the "Description of Corrective Action Taken" box which follows each citation and sign the statement on the last citation page. You are not required to certify abatement if the compliance officer observed that abatement has occurred during the on-site inspection. The citation may indicate that you should submit additional documentation such as photographs, purchase orders, copies of written programs, etc. Failure to return all completed forms and documents to the Program Manager no later than 10 days after the abatement date may result in additional penalties.

You are also required to inform your employees about abatement activities by posting a copy of each document submitted to OHSB or a summary of the document near the place where the violation occurred. Documents must remain posted for 3 working days after submission to OHSB.

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 Environment Department, Occupational Health and Safety Bureau at the address shown above.

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 Environment Department, Occupational Health and Safety Bureau 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.

State of New Mexico
Environment Department
Occupational Health and Safety Bureau



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Inspection #: 1644789
Inspection Date(s): 01/19/2023-01/19/2023
Issuance Date: 05/02/2023

Citation and Notification of Penalty

Company Name: Raysteel, Inc.
Inspection Site: 8815 2nd Street NW Albuquerque, NM 87114

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

11.5.2.9 NMAC

29 CFR 1910.134(c)(1): In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use.

On or about 1-19-2023, Raysteel, Inc. did not have or implement a written respiratory protection program. Employees are required to wear respirators while welding and working in the paint booth. Employees were exposed to respiratory hazards from welding and spray painting.

PROOF OF ABATEMENT:

<p>Date Corrected:</p> <p>Describe Corrective Action:</p>
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Date By Which Violation Must be Abated:
Proposed Penalty:

May 26, 2023
\$7,912.00

State of New Mexico
Environment Department
Occupational Health and Safety Bureau



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Citation and Notification of Penalty

Company Name: Raysteel, Inc.
Inspection Site: 8815 2nd Street NW Albuquerque, NM 87114

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

11.5.2.9 NMAC

29 CFR 1910.134(e)(1):General. The employer shall provide a medical evaluation to determine the employee's ability to use a respirator before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

On or before January 19, 2023, Raysteel, Inc. workers in the welding and painting area were required to wear NIOSH-approved tight-fitting half-mask respirators. Raysteel did not provide medical evaluations to those employees required to wear respirators. Employees were exposed to respiratory hazards.

PROOF OF ABATEMENT:

Date Corrected:
Describe Corrective Action:

Date By Which Violation Must be Abated:
Proposed Penalty:

May 26, 2023
\$0.00

State of New Mexico
Environment Department
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Citation 1 Item 1 c Type of Violation: **Serious**

11.5.2.9 NMAC

29 CFR 1910.134(f)(1): The employer shall ensure that employees using a tight-fitting facepiece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT) as stated in this paragraph.

On or about January 19, 2023, Raysteel, Inc. required their employees who work in the welding and painting area to wear NIOSH-approved tight-fitting half-mask respirators but did not have employees fit-tested. Employees were exposed to respiratory hazards from welding and painting.

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Date Corrected:
Describe Corrective Action:

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Proposed Penalty:

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\$0.00

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

11.5.2.9 NMAC

29 CFR 1910.134(g)(1)(i)(A):Facial hair that comes between the sealing surface of the facepiece and the face or that interferes with valve function.

On or about January 19, 2023, the painter employed by Raysteel, Inc. had facial hair while wearing a tight-fitting respirator in the painting area. The employee was exposed to respiratory hazards from painting.

PROOF OF ABATEMENT:

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\$0.00

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Citation and Notification of Penalty

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

11.5.2.9 NMAC

29 CFR 1910.134(k): Training and information. This paragraph requires the employer to provide effective training to employees who are required to use respirators. The training must be comprehensive, understandable, and recur annually, and more often if necessary. This paragraph also requires the employer to provide the basic information on respirators in Appendix D of this section to employees who wear respirators when not required by this section or by the employer to do so.

On or about January 19, 2023, Raysteel, Inc. did not provide effective training to the employees that are required to wear NIOSH-approved, tight-fitting half-mask respirators in the painting and welding area. Employees were exposed to respiratory hazards from painting and welding.

PROOF OF ABATEMENT:

<p>Date Corrected:</p> <p>Describe Corrective Action:</p>
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Date By Which Violation Must be Abated:
Proposed Penalty:

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\$0.00

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Citation and Notification of Penalty

Company Name: Raysteel, Inc.
Inspection Site: 8815 2nd Street NW Albuquerque, NM 87114

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

11.5.2.9 NMAC

29 CFR 1910.1200(e)(1):Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

On or about January 19, 2023, Raysteel, Inc. did not have a written or had not implemented a hazard communication program for all of their facility. Employees were exposed to chemicals like lacquer thinner, paint, methanol, acetone, primer, and other chemicals.

PROOF OF ABATEMENT:

Date Corrected:
Describe Corrective Action:

Date By Which Violation Must be Abated:
Proposed Penalty:

May 26, 2023
\$6,000.00

State of New Mexico
Environment Department
Occupational Health and Safety Bureau



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Inspection #: 1644789
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Issuance Date: 05/02/2023

Citation and Notification of Penalty

Company Name: Raysteel, Inc.
Inspection Site: 8815 2nd Street NW Albuquerque, NM 87114

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

11.5.2.9 NMAC

29 CFR 1910.1200(h)(1):Employers shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and safety data sheets.

On or about January 19, 2023, Raysteel, Inc. did not provide employees with effective information and training on hazardous chemicals throughout the facility. SDS sheets or a hazard communication program were not seen on site. Employees were exposed to the hazards of chemicals like paint thinner, primer, and other chemicals.

PROOF OF ABATEMENT:

<p>Date Corrected:</p> <p>Describe Corrective Action:</p>
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Date By Which Violation Must be Abated:
Proposed Penalty:

May 26, 2023
\$0.00

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

11.5.2.9 NMAC

29 CFR 1910.1200(f)(6): Workplace labeling. Except as provided in paragraphs (f)(7) and (f)(8) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with either:

On or about January 19, 2023, Raysteel, Inc. did not ensure that each container of hazardous chemicals in the workplace was labeled, including spray bottles used on workstations to clean equipment. Employees were exposed to the dangers of these chemicals.

PROOF OF ABATEMENT:

<p>Date Corrected:</p> <p>Describe Corrective Action:</p>
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Date By Which Violation Must be Abated:
Proposed Penalty:

May 26, 2023
\$0.00

I attest that all corrective actions contained in this document are accurate and affected employees have been informed of the abatement.

Signature

Date

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Environment Department
Occupational Health and Safety Bureau



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DocuSigned by:

Gregory Marquez

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Gregory J. Marquez, Program Manager

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INVOICE

Company Name: Raysteel, Inc.

Inspection Site: 8815 2nd Street NW Albuquerque, NM 87114

Issuance Date: 05/02/2023

Summary of Penalties for Inspection Number: 1644789

Citation 1 Item 1a, Serious	\$7,912.00
Citation 1 Item 1b, Serious	\$0.00
Citation 1 Item 1c, Serious	\$0.00
Citation 1 Item 1d, Serious	\$0.00
Citation 1 Item 1e, Serious	\$0.00
Citation 2 Item 1a, Serious	\$6,000.00
Citation 2 Item 1b, Serious	\$0.00
Citation 2 Item 1c, Serious	\$0.00

TOTAL PROPOSED PENALTIES: **\$13,912.00**

Please remit payment promptly to this office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: Environment Department, Occupational Health and Safety Bureau. Please indicate OHSB's Inspection Number (indicated above) on the remittance.

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

<p><small>DocuSigned by:</small> <i>Gregory Marquez</i> <small>309D20B21A80461...</small></p> <hr/> <p>Gregory J. Marquez, Program Manager</p>	<p>5/2/2023</p> <hr/> <p>Date</p>
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