



Citation and Notification of Penalty

To:
Black Mag LLC, dba BMI & dba Black Mag Industries
and its successors
66 Private Way West 2
Maidstone, VT 05905

Inspection Number: 314043290
Inspection Date(s): 05/14/2010-10/15/2010
Issuance Date: 10/22/2010

Inspection Site:
23 Gould Street
Colebrook, NH 03576

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 (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citation 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 corrective action 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.

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, but not sooner than 30 calendar days after the Citation Issuance Date. 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 10/22/2010. The conference will be held at the OSHA office located at J.C. Cleveland Federal Building, 53 Pleasant Street, Room 3901, Concord, NH, 03301 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

ABATEMENT CERTIFICATION

Rosemarie Ohar, Area Director
U.S. Department of Labor - OSHA
J.C. Cleveland Federal Building
53 Pleasant Street, Room 3901
Concord, NH 03301
Phone: (603)225-1629

Black Mag LLC, dba BMI & dba Black Mag Industries
66 Private Way West 2
Maidstone, VT 05905

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by the following action: _____

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by the following action: _____

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by the following action: _____

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by the following action: _____

*I attest that the information contained in this document is accurate and that
the affected employees and their representatives have been informed of the
abatement activities described in this certification.*

Signature

Typed or Printed Name



Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

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

29 CFR 1910.36(d)(1): Employees were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

The Tool Room area exit door leading to the exterior of the building was locked from the inside.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 2500.00

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

29 CFR 1910.109(j)(2)(ii): Small arms ammunition was not separated from flammable liquids, flammable solids as classified in 49 CFR part 172, and from oxidizing materials, by a fire-resistive wall of 1-hour rating or by a distance of 25 feet:

The employer did not separate their stocks of small arms ammunition from oxidizing materials such as potassium perchlorate and potassium nitrate, by a fire-resistive wall of 1-hour rating or by a distance of 25 feet.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
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.



Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

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

29 CFR 1910.119(d)(1): Process safety information pertaining to the hazards of the highly hazardous chemicals in the process did not consist of all the elements specified in 29 CFR 1910.119 (d)(1)(i) through (vii):

The employer did not compile information pertaining to hazards of the highly hazardous chemicals in the process such as but not limited to the toxicity information, permissible exposure limits, physical data, reactivity data, thermal and chemical stability data and the hazardous effects of inadvertent mixing of different materials that could foreseeably occur.

Note: As per 29 CFR 1910.109(k)(2): The manufacture of explosives as defined in paragraph (a)(3) of this section shall also meet the requirements of 29 CFR 1910.119.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.119(d)(2)(i): Process safety information pertaining to the technology of the process did not include all the elements specified in 29 CFR 1910.119(d)(2)(i)(A) through (E):

The employer did not (1) develop a block flow or simplified flow diagram, (2) document the maximum intended inventory, (3) determine the safe upper and lower limits for temperatures, pressures, flows or compositions and (4) the employer had not documented any consequences of deviation related to the process.

Note: As per 29 CFR 1910.109(k)(2): The manufacture of explosives as defined in paragraph (a)(3) of this section shall also meet the requirements of 29 CFR 1910.119.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 7000.00

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Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

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

29 CFR 1910.119(d)(3)(i): Process safety information pertaining to the equipment in the process did not include all the elements specified in 29 CFR 1910.119(d)(3)(i)(A) through (H):

- a. The employer did not develop or collect any information related to materials used to construct the equipment in the process. The employer was using plastic bins and plastic scoops which could create and accumulate static charges. The employer did not assess the equipment for use of non-sparking components.
- b. The employer did not compile the manufacturer's information for the two Vibratory Grinders, the Cad Mach, the Oscillating Granulator, the Tablet Press, the Vibratory Screener, and the Tumbler.

Note: As per 29 CFR 1910.109(k)(2): The manufacture of explosives as defined in paragraph (a)(3) of this section shall also meet the requirements of 29 CFR 1910.119.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 7000.00

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Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

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

29 CFR 1910.119(e)(3): The employer did not perform a process hazard analysis (hazard evaluation) which addressed the items contained in (i) through (vii) of this paragraph:

Employees were exposed to fire and / or explosion hazards in that the employer did not have a process hazard analysis that addressed:

- a. The hazards of the process of manufacturing Black Mag powder.
- b. The identification of a previous potentially catastrophic incident, to wit, the January 2010 incident where the employee was burned in a flash fire fueled by 3 to 4 pounds of gunpowder.
- c. The employer did not have a process hazard analysis which addressed engineering and administrative controls.
 1. The employer failed to provide a change room for employees to don and doff their work clothing which got covered with the oxidizers and gunpowder.
 2. The employer did not ensure that explosive dust was not exhausted into the atmosphere.
 3. The employer did not provide properly designed catch pans to prevent spillage of explosives and other hazardous materials in the processing areas. The employer spread paper on the floor to capture spillage of explosive materials.
- d. Consequences of failure of engineering and administrative controls to keep fugitive dust from explosive materials from migrating from the Black Mag LLC explosive manufacturing area to Black Mag LLC's Casting Room, Office, and other portions of the building including the area immediately adjacent to the River of Life Church.
- e. Facility Sitting - The employer located its' explosives manufacturing business inside an inhabited building with multiple tenants (including a church). Between the building's shared interior space and the employer's explosives manufacturing area (which included oxidizers and unstored explosives), there were tarps with openings in them but there were no walls, no doors, no locks, no danger or warning or "no trespass" signs. There were no means or inadequate means to control entrance into the explosives manufacturing area from the building's interior by persons carrying items that constitute ignition sources in an explosive manufacturing area.

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

f. Human factors

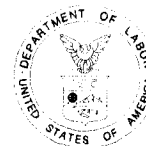
1. The employer did not have or post Warning Signs which stated "Danger. Never fight explosive fires. Explosives are stored on this site" or an equivalent Warning Sign.
2. The employer did not ensure that smoking was prohibited on the plant site, except where permit notices were posted.
3. The employer did not ensure that employees wearing clothing that was contaminated with explosive materials were prohibited from areas where smoking occurred or where operations involving the use of open flame / ignition sources were present (such as the Casting Room).
4. The employer did not make a determination of other human factors which could cause catastrophe, such as people accessing the Black Mag LLC manufacturing area through the tarps and unguarded unlockable openings in the tarps that separated the explosives manufacturing area from the common interior space within the building.

Note: As per 29 CFR 1910.109(k)(2): The manufacture of explosives as defined in paragraph (a)(3) of this section shall also meet the requirements of 29 CFR 1910.119.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
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.



Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 7 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 control over entrance into a facility by maintenance, contractor, laboratory, or other support personnel:

The employer did not develop or implement safe work practices for control of hazards during operations which includes the following:

1. Procedures to control entrance into the facility by support personnel including but not limited to maintenance employees, contractors and other support personnel.
2. The employer did not implement a safe work practice which prohibited employees from possessing lighters while working within the facility.

Note: As per 29 CFR 1910.109(k)(2): The manufacture of explosives as defined in paragraph (a)(3) of this section shall also meet the requirements of 29 CFR 1910.119.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
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.



Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

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

29 CFR 1910.119(h)(2)(ii): The employer did not inform contract employers of the known potential fire, explosion, or toxic release hazards related to the contractor's work and the process:

The employer did not ensure that contract personnel working in explosive manufacturing areas were instructed on site-specific operating procedures, emergency procedures, and hot work operations, prior to engaging in any activity, whether maintenance-related or not so they did not endanger themselves or the employer's employees.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
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.



Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

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 9a Type of Violation: **Serious**

29 CFR 1910.119(h)(2)(iii): The employer did not explain to contract employers the applicable provisions of the emergency action plan required by paragraph (n) of this section:

The employer did not develop and explain to contract employers the emergency action plan.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.119(n): The employer did not establish and implement an emergency action plan for the entire plant in accordance with the provisions of 29 CFR 1910.38:

The employer did not have an emergency action plan.

Note: As per 29 CFR 1910.109(k)(2): The manufacture of explosives as defined in paragraph (a)(3) of this section shall also meet the requirements of 29 CFR 1910.119.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
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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.



Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.119(l)(1): The employer did not establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process:

The employer did not establish and implement written procedures to manage changes in the manufacturing process such as but not limited to die changes and pressure changes.

Note: As per 29 CFR 1910.109(k)(2): The manufacture of explosives as defined in paragraph (a)(3) of this section shall also meet the requirements of 29 CFR 1910.119.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.119(m)(4): A report was not prepared at the conclusion of the investigation of an incident which resulted in, or could reasonably have resulted in a catastrophic release of highly hazardous chemical in the workplace:

The employer did not investigate and / or develop a written report after the January 14, 2010 gun powder substitute flash fire. The employer did not document the date of the incident, a description of the incident, the factors which contributed to the incident and any recommendations resulting from an investigation.

Note: As per 29 CFR 1910.109(k)(2): The manufacture of explosives as defined in paragraph (a)(3) of this section shall also meet the requirements of 29 CFR 1910.119.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
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.



Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.132(a): Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, was not provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact:

Casting Room - The employer did not provide arm and body protection for work occurring in the casting room where there were burn hazards associated with melted lead.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
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.



Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards were present or likely to be present, which necessitate the use of personal protective equipment (PPE):

The employer did not conduct an adequate hazard assessment of the workplace such that appropriate personal protective equipment was not identified for the following items:

1. Work with Potassium Nitrate and Potassium Perchlorate where eye protection was necessary.
2. Work with Potassium Nitrate and Potassium Perchlorate where impervious protective clothing was necessary.
3. Work occurring in casting room where there were hazards associated with melted lead.
4. Work occurring in the casting room where there was the potential for bars of lead to fall and cause foot injuries.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
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.



Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.132(f)(1): The employer did not provide the training set forth in this section to each employee required by this section to use PPE:

The employer did not train employees required to wear personal protective equipment regarding: when PPE was necessary, the specific types of PPE necessary, and the limitations of PPE.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 7000.00

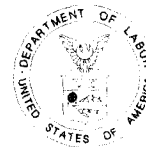
Citation 1 Item 15 Type of Violation: **Serious**

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee used appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

The employer did not ensure that appropriate eye and face protection was used for work with Potassium Nitrate, Potassium Perchlorate, Black Mag powder and hot melted lead.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 2500.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 16 Type of Violation: **Serious**

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

Establishment - Employees required to wear respiratory protection did not receive a medical evaluation.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 2500.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 17 Type of Violation: **Serious**

29 CFR 1910.134(k)(1): The employer did not ensure that each employee could demonstrate knowledge of the requirements of (i) through (vii):

Employees were not trained on the following:

1. How an improper fit, usage or maintenance could compromise the protective effect of the respirator.
2. The limitations and capabilities of the respirator.
3. How to inspect, put on and remove, use, and check the seals of the respirator.
4. How to recognize the medical signs and symptoms that may limit or prevent the effective use of respirators.
5. The general requirements of the respiratory protection standard.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 2500.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 18 Type of Violation: **Serious**

29 CFR 1910.136(a): Employer did not ensure that each affected employee used protective footwear when working in areas where there was a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, or where such employee's feet were exposed to electrical hazards:

The employer did not provide foot protection for work occurring in the casting room where there was the potential for bars of lead to fall and cause foot injuries.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 1500.00

Citation 1 Item 19 Type of Violation: **Serious**

29 CFR 1910.138(a): The employers did not select and require employees to use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes:

The employer did not provide hand protection for work occurring in Casting Room where there were hazards associated with melted lead.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
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.



Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 20 Type of Violation: **Serious**

29 CFR 1910.147(c)(1): The employer did not establish an energy control program consisting of energy control procedures, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, start up or release of stored energy could occur and cause injury, the machine or equipment would be isolated, and rendered inoperative:

Facility - The employer did not establish an energy control program.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 2500.00

Citation 1 Item 21 Type of Violation: **Serious**

29 CFR 1910.157(g)(1): An educational program was not provided for all employees to familiarize them with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting:

Employees did not receive fire extinguisher training.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 2500.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 22 Type of Violation: **Serious**

29 CFR 1910.178(c)(2)(vii): The employer did not use approved power-operated industrial trucks designated as DY, EE, or EX in atmospheres in which combustible dust would not normally be in suspension in the air or will not be likely to be thrown into suspension by the normal operation of equipment or apparatus in quantities sufficient to produce explosive or ignitable mixtures but where deposits or accumulations of such dust could be ignited by arcs or sparks originating in the truck:

The employer did not use the appropriate approved industrial truck in areas where accumulations of explosive material dusts could be ignited by sparks. The truck used was a Tow Motor forklift, type LP.

Date By Which Violation Must be Abated: 10/26/2010
Proposed Penalty: \$ 2500.00

Citation 1 Item 23 Type of Violation: **Serious**

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

The employer did not provide industrial truck training to employees.

Date By Which Violation Must be Abated: 10/26/2010
Proposed Penalty: \$ 2500.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 24 Type of Violation: **Serious**

29 CFR 1910.178(q)(7): Industrial trucks were not examined before being placed in service:

The Tow Motor fork truck (serial number 86K303) was not examined before being placed in service.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 2500.00

Citation 1 Item 25 Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

- a. Casting Room - The Projectile Coating Machine was not adequately guarded.
- b. Powder Processing Area - The Tablet Press was not adequately guarded.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 2500.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 26 Type of Violation: **Serious**

29 CFR 1910.212(a)(4): Revolving drum(s), barrel(s), or container(s) were not guarded by enclosure(s) which were interlocked with the drive mechanism so that the barrel(s), drum(s), or container(s) could not revolve unless the enclosure(s) were in place:

The Stokes Tumbling Device was not adequately guarded.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 1500.00

Citation 1 Item 27 Type of Violation: **Serious**

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, unless located and arranged so the purpose is evident:

a. Tool Room - The circuit breaker panel was not labeled.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 2500.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 28 Type of Violation: **Serious**

29 CFR 1910.303(g)(1)(i): The dimension of the working space in the direction of access to live parts operating at 600 volts or less and likely to require examination, adjustment, servicing, or maintenance while alive was less than indicated in Table S1:

The area in front of the circuit breaker panel was used for storage of materials.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 2500.00

Citation 1 Item 29 Type of Violation: **Serious**

29 CFR 1910.303(g)(2)(i): Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by approved cabinets or other forms of approved enclosures, or other means listed under this provision:

Tool Room - There were live lugs, buses, and connections on two different circuit breaker panels which were exposed.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
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.



Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 30 Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv): Flexible cords and cables shall not be used as a substitute for the fixed wiring of a structure:

Two de-humidifiers were connected by a flexible cords and cables as a substitute for fixed wiring.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 1500.00

Citation 1 Item 31 Type of Violation: **Serious**

29 CFR 1910.332(b)(1): Employees were not trained in and familiar with the safety related work practices required by 29 CFR 1910.331 through 29 CFR 1910.335 that pertained to their respective job assignments:

An employee was not trained in and familiar with safety related electrical work practices.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
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.



Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 32 Type of Violation: **Serious**

29 CFR 1910.334(b)(2): The repetitive manual reclosing of circuit breakers or reenergizing electric power and lighting circuits through replaced fuses was not prohibited:

On or about May 12th and 13th, 2010 an employee replaced several fuses prior to determining the malfunction of the equipment potentially exposing the employee to shock, flash, or blast hazards.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 7000.00

Citation 1 Item 33 Type of Violation: **Serious**

29 CFR 1910.334(c)(1): Unqualified persons performed testing work on electric circuits or equipment:

Vibratory Grinder named "Garfield" - On or about May 12th and May 13th, 2010, an unqualified person performed testing on the electrical circuit and equipment.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
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.



Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

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 34a Type of Violation: **Serious**

29 CFR 1910.335(a)(1)(i): Employees working in areas where there were potential electrical hazards were not provided with, and/or did not use, electrical protective equipment that was appropriate for the specific parts of the body to be protected and for the work to be performed:

An employee who wired de-humidifiers to a live panel and who performed live electrical testing of a Vibratory Grinder's circuits was exposed to the hazards of electrical arc flash / blast and shock when working on equipment and circuitry rated at 208 volts and 480 volts. He was not provided with personal protective equipment such as but not limited too: Fire Resistant clothing, rubber protective gloves with leather protectors, and arc flash rated eye and face protection

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
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.



Citation and Notification of Penalty

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 34b Type of Violation: **Serious**

29 CFR 1910.335(a)(1)(iv): Employees exposed to the danger of head injury from electric shock or burns due to contact with exposed energized parts did not wear nonconductive head protection:

An employee who wired de-humidifiers to a live panel and who performed live electrical testing of a Vibratory Grinder's circuits was exposed to the hazards of electrical arc flash / blast and shock when working on equipment and circuitry rated at 208 volts and 480 volts was exposed to head injuries because he was not provided with nonconductive head gear.

Specific abatement documentation is required.

Date By Which Violation Must be Abated: 10/26/2010

Citation 1 Item 34c Type of Violation: **Serious**

29 CFR 1910.335(a)(1)(v): Employees exposed to the danger of injury to the eyes or face from electric arcs or flashes or from flying objects resulting from electrical explosion did not wear protective equipment for the eyes or face:

An employee who wired de-humidifiers to a live panel and who performed live electrical testing of a Vibratory Grinder's circuits was exposed to arc flash / blast hazards or flying objects. The employee was not provided with the appropriate personal protective equipment to protect their eyes and face.

Specific abatement documentation is required.

Date By Which Violation Must be Abated: 10/26/2010

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 1 Item 35 Type of Violation: **Serious**

29 CFR 1910.1025(l)(1)(i): Employee(s) working in an area where there is potential exposure to airborne lead at any level were not informed of the content of Appendices A and B of this regulation:

An employee working with lead was not informed of the content of Appendix A and B of OSHA's lead standard which is 29 CFR 1910.1025.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 2500.00

Citation 1 Item 36 Type of Violation: **Serious**

29 CFR 1910.1200(g)(1): The employer did not have material safety data sheets for each hazardous chemical which they used:

The employer did not have material safety data sheets for potassium perchlorate, potassium nitrate, and ascorbic acid in the workplace accessible to employees.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 2500.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

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

29 CFR 1910.119(d)(3)(ii): The employer did not document that equipment complied with recognized and generally accepted good engineering practices (RAGAGEP):

Powder Processing Area - Employees were exposed to hazards from fire and explosion while process equipment was operating in that the employer never compiled process safety information on its explosive manufacturing equipment pieces to document that they were set up in compliance with Recognized and Generally Accepted Good Engineering Practices (RAGAGEP) such as NFPA 495 Explosive Materials Code, Chapter 5 in that:

The explosive manufacturing equipment pieces were not separated by distance, barrier, shielding, and / or other equally protective means to ensure that a fire or explosion in one piece of equipment would not spread to other pieces of equipment:

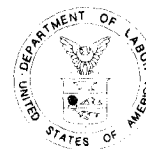
- (1) Vibratory Grinder nicknamed "Garfield",
- (2) Vibratory Grinder nicknamed "Fat Albert",
- (3) Cad Mach also known as the Roller Compactor and nicknamed "Kit Kat",
- (4) Oscillating Granulator named "Olive",
- (5) Tablet Press also known as the Pill Press and was nicknamed "Popeye",
- (6) Vibratory Screener also known as the Sifter and was nicknamed "Elvis" and
- (7) Tumbling Device also known as the Tumbler, the Coating Pan, and nicknamed "Dizzy Lizzy".

Note: As per 29 CFR 1910.109(k)(2): The manufacture of explosives as defined in paragraph (a)(3) of this section shall also meet the requirements of 29 CFR 1910.119.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 70000.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 2 Item 2 Type of Violation: **Willful**

29 CFR 1910.119(f)(1)(iii)(B): The employer did not develop and implement written operating procedures that addressed the precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment:

Powder Processing Area - Employees were exposed to fire and / or explosion hazards in that they were required to work on and near explosives manufacturing equipment pieces while the equipment was operating. The employer did not implement operating procedures to ensure that employees were located at a safe distance away when equipment pieces were processing materials to manufacture gunpowder known as Black Mag powder:

- a. Vibratory Grinder nicknamed "Garfield"
 - 1. Employees were required to start the machine with controls that were not located at a safe distance.
 - 2. Employees were required to stop the machine with controls that were not located at a safe distance.
 - 3. Employees were required to unload the gunpowder substitute from the machine while it was operating.
 - 4. Employees were required to take test samples of the gunpowder substitute from the machine while it was operating.

 - b. Vibratory Grinder nicknamed "Fat Albert"
 - 1. Employees were required to start the machine with controls that were not located at a safe distance.
 - 2. Employees were required to stop the machine with controls that were not located at a safe distance.
 - 3. Employees were required to unload the gunpowder substitute from the machine while it was operating.
-

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

4. Employees were required to take test samples of the gunpowder substitute from the machine while it was operating.
- c. Cad Mach also known as the Roller Compactor and nicknamed "Kit Kat"
1. Employees were required to start the machine with controls that were not located at a safe distance.
 2. One employee was required to hand feed 150 pound batches of gunpowder substitute while the machine was operating.
 3. Employees were required to utilize the Cad Mach's on-the-machine controls while it was operating in order to adjust the flow / speed rate at which the machine operated.
 4. Employees were required to clear jamming of compressed powder while the machine operated.
 5. A second employee was required to unload the gunpowder substitute while the machine was operating.
 6. Employees were required to observe and inspect the quality of the material as the machine operated.
 7. Employees were required to stop the machine with controls that were not located at a safe distance.
- d. Oscillating Granulator nicknamed "Sweet Pea"
1. Employees were required to start the machine with controls that were not located at a safe distance.
 2. Employees were required to hand feed 150 pound batches of gunpowder substitute while the machine was operating.
 3. Employees were required to unload the gunpowder substitute while the machine was operating.
-

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

4. Employees were required to stop the machine with controls that were not located at a safe distance.
- e. Tablet Press also known as the Pill Press and was nicknamed "Popeye"
1. Employees were required to start the machine with controls that were not located at a safe distance.
 2. One employee was required to hand feed 100-150 pound batches of gunpowder substitute while the machine was operating.
 3. Employees were required to utilize the Tablet Press controls in order to adjust the flow / speed rate at which the machine operated.
 4. A second employee was required to unload the gunpowder substitute while the machine was operating.
 5. Employees were required to stop the machine with controls that were not located at a safe distance.
- f. Vibratory Screener also known as the Sifter and was nicknamed "Elvis"
1. Employees were required to start the machine with controls that were not located at a safe distance.
 2. Employees were required to hand feed 150 pound batches of gunpowder substitute while the machine was operating.
 3. Employees were required to unload the gunpowder substitute while the machine was operating.
 4. Employees were required to stop the machine with controls that were not located at a safe distance.
- g. Tumbling Device also known as the Tumbler, the Coating Pan, and nicknamed "Dizzy Lizzy"
-

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

1. Employees were required to start the machine with controls that were not located at a safe distance.
2. Employees were required to stop the machine with controls that were not located at a safe distance.

Note: As per 29 CFR 1910.109(k)(2): The manufacture of explosives as defined in paragraph (a)(3) of this section shall also meet the requirements of 29 CFR 1910.119.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 70000.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

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 2 Item 3a Type of Violation: **Willful**

29 CFR 1910.119(f)(1): The employer did not develop and implement written operating procedures that provided clear instructions for safety conducting activities in each covered process consistent with the process safely information and which addressed the elements listed in A through G:

Employees were exposed to fire and / or explosion hazards in that the employer did not implement its written operating procedures set out in the document titled "BlackMag LLC Process Specification". The document stated "Any bulk material that has not been filled into the small containers by the end of the last daily shift must be stored in the Indoor Type 4 Magazine...Never leave any process material out. Properly store all in process material at breaks, lunch and quitting time." The employer did not follow this procedure and left powder unstored and unsecured as follows:

1. Approximately 300 pounds of finished powder sitting in buckets next to the bottling machine.
2. Approximately 75 pounds of reference powder sitting in buckets next to an aisle way.
3. Approximately 350 pounds of powder ready for process and in process sitting in totes in between the Cad Mach and shelves holding thousands of pounds of potassium perchlorate and potassium nitrate.
4. Approximately 700 pounds of powder in red and green barrels marked "Regrind" in between the Vibratory Grinders and shelves holding thousands of pounds potassium nitrate and ascorbic acid.

Note: As per 29 CFR 1910.109(k)(2): The manufacture of explosives as defined in paragraph (a)(3) of this section shall also meet the requirements of 29 CFR 1910.119.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 70000.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 2 Item 3b Type of Violation: **Willful**

29 CFR 1910.109(c)(1)(i): The employer did not keep Class A, Class B, Class C explosives and / or any newly developed and unclassified explosives in magazines which met the requirements of this paragraph:

Employees were exposed to fire and / or explosion hazards in that the employer kept:

1. Approximately 1500 pounds of bottled Black Mag and / Black Dot powder in bottles on shelves next to the bottling machine.
2. Approximately 300 pounds of finished powder sitting in buckets next to the bottling machine.
3. Approximately 75 pounds of reference powder sitting in buckets next to an aisle way.
4. Approximately 350 pounds of powder ready for process and in process sitting in totes in between the Cad Mach and shelves holding thousands of pounds of potassium perchlorate and potassium nitrate.
5. Approximately 700 pounds of powder in red and green barrels marked "Regrind" in between the Vibratory Grinders and shelves holding thousands of pounds potassium nitrate and ascorbic acid.

Note: As per 29 CFR 1910.109(k)(2): The manufacture of explosives as defined in paragraph (a)(3) of this section shall also meet the requirements of 29 CFR 1910.119.

Specific abatement documentation is required.

Date By Which Violation Must be Abated: 10/26/2010

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 2 Item 4 Type of Violation: **Willful**

29 CFR 1910.119(f)(1)(iii)(A): The employer's written operating procedures covering safety and health considerations did not address the properties of, and hazards presented by the chemicals used in the process:

Employees were exposed to fire and / or explosion hazards that the employer excluded from its written operating procedures which were titled "BlackMag LLC Process Specification." The operating procedures did not specifically include safety and health considerations associated with chemicals used in the process that could result in an explosion.

Note: As per 29 CFR 1910.109(k)(2): The manufacture of explosives as defined in paragraph (a)(3) of this section shall also meet the requirements of 29 CFR 1910.119.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 70000.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 2 Item 5 Type of Violation: **Willful**

29 CFR 1910.119(g)(1)(i): Before putting each employee to work, the employer did not train each employee in an overview of the process and in the operating procedures as specified in paragraph (f) of this section, with an emphasis on the specific safety and health hazards, emergency operations including shutdown and safe work practices applicable to each employee's job tasks:

Employee #1 who operated explosive manufacturing equipment pieces was exposed to fire and / or explosion hazards in that the employer did not train Employee #1 in areas such as the following:

- a. Safety and health considerations such as but not limited to (1) Properties of, and hazards presented by, the chemicals used in the process, (2) Precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment, (3) Control measures to be taken if physical contact or airborne exposure occurs, (4) Quality control for raw materials and control of hazardous chemical inventory levels and (5) any special or unique hazards.
- b. Operating limits such as such as but not limited to (1) Consequences of deviation and (2) Steps required correcting or avoiding deviation.
- c. Steps for each operating phase such as but not limited to (1) Initial startup, (2) Normal operations, (3) Temporary operations, (4) Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner, (5) Emergency Operations, (6) Normal shutdown and (7) Startup following a turnaround, or after an emergency shutdown.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 70000.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 2 Item 6 Type of Violation: **Willful**

29 CFR 1910.119(g)(1)(i): Before putting each employee to work, the employer did not train each employee in an overview of the process and in the operating procedures as specified in paragraph (f) of this section, with an emphasis on the specific safety and health hazards, emergency operations including shutdown and safe work practices applicable to each employee's job tasks:

Employee #2 who operated explosive manufacturing equipment pieces was exposed to fire and / or explosion hazards in that the employer did not train Employee #2 in areas such as the following:

- a. Safety and health considerations such as but not limited to (1) Properties of, and hazards presented by, the chemicals used in the process, (2) Precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment, (3) Control measures to be taken if physical contact or airborne exposure occurs, (4) Quality control for raw materials and control of hazardous chemical inventory levels and (5) any special or unique hazards.
- b. Operating limits such as such as but not limited to (1) Consequences of deviation and (2) Steps required correcting or avoiding deviation.
- c. Steps for each operating phase such as but not limited to (1) Initial startup, (2) Normal operations, (3) Temporary operations, (4) Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner, (5) Emergency Operations, (6) Normal shutdown and (7) Startup following a turnaround, or after an emergency shutdown.

Specific abatement documentation is required.

Date By Which Violation Must be Abated: 10/26/2010
Proposed Penalty: \$ 70000.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 2 Item 7 Type of Violation: **Willful**

29 CFR 1910.119(g)(1)(i): Before putting each employee to work, the employer did not train each employee in an overview of the process and in the operating procedures as specified in paragraph (f) of this section, with an emphasis on the specific safety and health hazards, emergency operations including shutdown and safe work practices applicable to each employee's job tasks:

Employee #3 who operated explosive manufacturing equipment pieces was exposed to fire and / or explosion hazards in that the employer did not train Employee #3 in areas such as the following:

- a. Safety and health considerations such as but not limited to (1) Properties of, and hazards presented by, the chemicals used in the process, (2) Precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment, (3) Control measures to be taken if physical contact or airborne exposure occurs, (4) Quality control for raw materials and control of hazardous chemical inventory levels and (5) any special or unique hazards.
- b. Operating limits such as such as but not limited to (1) Consequences of deviation and (2) Steps required correcting or avoiding deviation.
- c. Steps for each operating phase such as but not limited to (1) Initial startup, (2) Normal operations, (3) Temporary operations, (4) Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner, (5) Emergency Operations, (6) Normal shutdown and (7) Startup following a turnaround, or after an emergency shutdown.

Specific abatement documentation is required.

Date By Which Violation Must be Abated: 10/26/2010
Proposed Penalty: \$ 70000.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 2 Item 8 Type of Violation: **Willful**

29 CFR 1910.119(g)(1)(i): Before putting each employee to work, the employer did not train each employee in an overview of the process and in the operating procedures as specified in paragraph (f) of this section, with an emphasis on the specific safety and health hazards, emergency operations including shutdown and safe work practices applicable to each employee's job tasks:

Employee #4 who operated explosive manufacturing equipment pieces was exposed to fire and / or explosion hazards in that the employer did not train Employee #4 in areas such as the following:

- a. Safety and health considerations such as but not limited to (1) Properties of, and hazards presented by, the chemicals used in the process, (2) Precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment, (3) Control measures to be taken if physical contact or airborne exposure occurs, (4) Quality control for raw materials and control of hazardous chemical inventory levels and (5) any special or unique hazards.
- b. Operating limits such as such as but not limited to (1) Consequences of deviation and (2) Steps required correcting or avoiding deviation.
- c. Steps for each operating phase such as but not limited to (1) Initial startup, (2) Normal operations, (3) Temporary operations, (4) Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner, (5) Emergency Operations, (6) Normal shutdown and (7) Startup following a turnaround, or after an emergency shutdown.

Specific abatement documentation is required.

Date By Which Violation Must be Abated: 10/26/2010
Proposed Penalty: \$ 70000.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

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 2 Item 9a Type of Violation: **Willful**

29 CFR 1910.132(a): Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, was not provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact:

Employees were exposed to flash fire hazards while processing (1) the in-process gunpowder and (2) finished gunpowder and were not provided with personal protective equipment, such as but not limited to fire resistant clothing and face shields appropriate for the tasks.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 70000.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 2 Item 9b Type of Violation: **Willful**

29 CFR 1910.138(a): The employer did not select and require employees use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes:

Employees were exposed to flash fire hazards while processing (1) the in-process gunpowder and (2) finished gunpowder and were not provided with personal protective equipment such as but not limited to fire resistant gloves appropriate for the tasks.

Specific abatement documentation is required.

Date By Which Violation Must be Abated: 10/26/2010

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 2 Item 10 Type of Violation: **Willful**

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

Employees were exposed to injuries such as but not limited to crushing and amputation injuries in that they performed activities such as but not limited to cleaning explosive manufacturing pieces and changing their dies without performing lockout. The employer did not develop, document and utilize written energy control procedures to control the potentially hazardous energy for equipment such as but not limited to the Projectile Coating Machine, the Cad Mach, the Oscillating Granulator and the Tablet Press.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 55000.00

Citation 2 Item 11 Type of Violation: **Willful**

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

The employer did not provide an eye wash for employees working with the Black Mag powder, potassium perchlorate and potassium nitrate.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 40000.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 2 Item 12 Type of Violation: **Willful**

29 CFR 1910.178(p)(1): Powered industrial truck(s) with defect(s) or in any way unsafe, had not been withdrawn from service until restored to safe operating condition(s):

The Tow Motor fork truck (serial number 86K303) did not have operational brakes.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 70000.00

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 2 Item 13a Type of Violation: **Willful**

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

Employees used two ordinary craftsman shop vacuums to collect excessive gun powder substitute from the floor and machinery. These machines were not rated for use with combustible or explosive dust.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 70000.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 2 Item 13b Type of Violation: **Willful**

29 CFR 1910.307(c)(2)(i): Equipment was not approved for the class of location or for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that was present:

Employees were exposed to fire and / or explosion hazard as follows: In the presence of explosive materials and dust from explosive materials the employer used ordinary electrical equipment such as but not limited to the following types of electrical equipment: knockout boxes, outlet boxes, circuit breaker panels, electrical disconnects and 7 spark producing propane heaters.

Specific abatement documentation is required.

Date By Which Violation Must be Abated: 10/26/2010

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 2 Item 14 Type of Violation: **Willful**

29 CFR 1910.333(b)(2): While any employee is exposed to contact with parts of fixed electrical equipment or circuits which have been deenergized, the circuits energizing the parts shall be locked out or tagged or both in accordance with the requirements of this paragraph. The requirements shall be followed in the order in which they are presented (i.e., paragraph (b)(2)(i) first, then (b)(2)(ii), etc.):

The employer exposed an employee to electrical shock and electrocution hazards in that an electrical circuit breaker panel was not de-energized and locked out while the employee worked on it.

ABATEMENT NOTE: The requirements shall be followed in the order in which they are presented (i.e., paragraph (b)(2)(i) first, then (b)(2)(ii), etc.).

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 70000.00

Citation 2 Item 15 Type of Violation: **Willful**

29 CFR 1910.1025(d)(2): An initial determination was not made to determine if any employee may be exposed to lead at or above the action level:

An employee who performed leading melting and pouring operations daily was exposed to the health hazards of lead exposure and the employer did not perform an initial determination of such lead exposure.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 55000.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

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 2 Item 16a Type of Violation: **Willful**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

The employer had not developed a written hazard communication program.

Specific abatement documentation is required.

Date By Which Violation Must be Abated:	10/26/2010
Proposed Penalty:	\$ 70000.00

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

Citation 2 Item 16b Type of Violation: **Wilful**

29 CFR 1910.1200(h)(1): Employees were not provided information and training as specified in 29 CFR 1910.1200(h)(1) and (2) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

Employees were not trained on the hazards associated with the hazardous chemicals they were using and producing, such as but not limited to oxidizers (potassium nitrate and potassium perchlorate) and Black Mag powder (gunpowder).

Specific abatement documentation is required.

Date By Which Violation Must be Abated: 10/26/2010

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: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576

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

29 CFR 1910.134(f)(1): The employer did not ensure that employees using a tight-fitting facepiece respirator passed an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT) as stated in this paragraph:

- a. Establishment - Fit tests were not provided for employees using half face negative pressure elastomeric respirators.

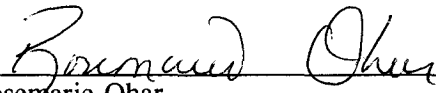
Date By Which Violation Must be Abated: 10/26/2010
Proposed Penalty: \$ 0.00

Citation 3 Item 2 Type of Violation: **Other**

29 CFR 1910.134(g)(1)(i)(B): The employer permitted respirators with tight-fitting facepieces to be worn by employees who had any condition that interfered with the face-to-facepiece seal or valve function:

- a. Establishment - An employee who was required to wear a half face negative pressure elastomeric respirator had facial hair which interfered with the face-to-facepiece seal.

Date By Which Violation Must be Abated: 10/26/2010
Proposed Penalty: \$ 0.00



Rosemarie Ohar
Area Director

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
J.C. Cleveland Federal Building
53 Pleasant Street, Room 3901
Concord, NH 03301
Phone: (603)225-1629 FAX: (603)225-1580



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Black Mag LLC, dba BMI & dba Black Mag Industries
Inspection Site: 23 Gould Street, Colebrook, NH 03576
Issuance Date: 10/22/2010
Summary of Penalties for Inspection Number 314043290

Citation 1, Serious	= \$ 172500.00
Citation 2, Willful	= \$ 1060000.00
Citation 3, Other	= \$ 0.00
TOTAL PROPOSED PENALTIES	= \$ 1232500.00

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.

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 restrictions, conditions, or endorsements 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.

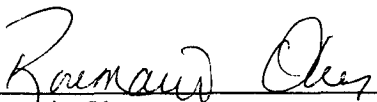
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts 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 4%. 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.



Rosemarie Ohar
Area Director

10/22/10

Date