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

Inspection Report

December 5, 2025 1:42 PM

RID	CSHO ID	Supervisor ID	Inspection Number	Optional Report Number	Case Closed Date
0522500	(b) (7)(C)	J5894	1830436		

Establishment Name	Austin Powder Holding Company		Doing Business As (DBA)			Austin Powder Company	
Ownership Type	Private Sector	Type of Business	Corporation	Primary NAICS		325920 - Explosives Manufacturing	
Site Address	32000 Powder Plant Road Mc Arthur, OH 45651	Site Phone	(740) 596-5286	Extn		Site FAX	
Business Address	32000 Powder Plant Road Mc Arthur, OH 45651	Business Phone	(740) 596-5286	Business FAX			
Mailing Address	32000 Powder Plant Road Mc Arthur, OH 45651	E-mail		Mobile Phone			USA
Site Activity	Process being inspected involves manufacturing of the explosive PETN	Site NAICS	325920			Days on Site	5
Federal EIN	340077750	DUNS	(b) (4)	Temporary or Fixed Site?		N	
State Estab Id		DUNS plus4		CAGE Code			
Construction Type							

Parent Company Legal Name			Parent Company Trade Name/DBA		
Parent Company Address		Phone Number		Extn	

TIN / EIN		DUNS	
CAGE Code		DUNS plus4	

Entry	06/11/2025	11:00 AM	First Closing Conference	06/11/2025	01:45 PM
Opening Conference	06/11/2025	01:00 PM	Second Closing Conference	11/24/2025	01:30 PM
Walk Around	06/11/2025	11:15 AM	Exit	07/15/2025	

Inspection Initiating Type	Referral	Secondary Type	
Other Initiating Type		Inspection Category	Health
Scope of Inspection	Partial	Reason No Inspection	
Migrant Farm Worker	N	Expln. for No Insp.	
State Strategic Initiatives			
National Emphasis			
State/Local Emphasis			
Primary Emphasis			

Additional Codes			
Type	ID	Value	Description

Employment Information					
Employed in Establishment	250	Walkaround?	N	Advance Notice?	N
Covered By Inspection	33	Interviewed?	Y	Flag for Follow-up	N
Controlled By Employer	600	Union?	N	Reason for Follow-up	
Is this Company a current federal contractor?		Unknown			
Walk Around Participant(s)		None			
Other Walk Around Participant(s)					

Related UPA		
Activity Number	Activity Type	Establishment Name

2304550	Referral	Austin Powder Holding Company
2376228	Complaint	Austin Powder Holding Company

Related Inspections		
Inspection Number	Related Inspection Type	Establishment Name

Additional Inspection Information				
SVEP Case?	Post Citation SVEP Action		Post Citation SVEP Action Date	Is this inspection related to a previous SVEP inspection?
N				N
Were Enhanced Settlement Provisions Used?		Did the company implement a SHMS program?		Litigation Hold
				N
Does inspection include imminent danger action?	Notice of Alleged Imminent Danger not posted		Employer Refused to eliminate Imminent Danger situation; Notice of Alleged Imminent Danger notice posted	Date Imminent Danger Notice Posted
N				
Was language Interpretation required during this inspection?	How was the interpretation provided?	Other Interpretation	In what language(s) was the interpretation provided?	Other Language
N				

Employer Representatives Contacted					
Name	Michael Abele	Job Title	Quality and Safety Supervisor	Occupation	
Address				Interviewed?	N
Home		Mobile		Work	(740) 596-5286	Extn	
Email	michael.abele@austinpowder.com			Participation	Opening Conference

Employer Representatives Contacted

Name	Bret Morris	Job Title	Safety Manager	Occupation	
Address				Interviewed?	N
Home		Mobile		Work	(740) 979-9879	Extn	
Email	brett.morris@austinpowder.com	Participation			Opening Conference

Employer Representatives Contacted

Name	Christopher Wakefield	Job Title	Plant Manager	Occupation	
Address				Interviewed?	N
Home		Mobile		Work	(740) 596-5286	Extn	
Email	christopher.wakefield@austinpowder.com	Participation			

Employer Representatives Contacted

Name	Caleb Orton	Job Title	Plant Manager PETN	Occupation	
Address				Interviewed?	N
Home		Mobile		Work		Extn	
Email		Participation			Closing Conference, Walk Around, Other

Employees Contacted

(b) (7)(C)

Employees Contacted

(b) (7)(C)

Employees Contacted

(b) (7)(C)

Employees Contacted

(b) (7)(C)

Employees Contacted

(b) (7)(C)

Employees Contacted

(b) (7)(C)

(b) (7)(C)

Employees Contacted

(b) (7)(C)

Other Persons Contacted					
Name	Noel Akers	Role	Chillicothe Fire Department Assistant Fire Chief	Relationship to employer	First Responder
Address	54 E. Water St. CHILLICOTHE, OH 45601			Interviewed?	N
Home		Mobile		Work	(740) 773-2212	Extn	
Email	noel.akers@chillicotheoh.gov	Participation			

Other Persons Contacted					
Name	Aaron Dupree	Role	City of Wellston Fire Department Assistant Fire Chief	Relationship to employer	First Responder
Address	200 N. Pennslyvania Ave. WELLSTON, OH 45692			Interviewed?	N
Home		Mobile		Work	(740) 384-2128	Extn	
Email	adupree@cityofwellston.org	Participation			

Other Persons Contacted					
Name	Conor Meeks	Role	outside legal counsel	Relationship to employer	attorney representing company in OSHA inspection

Address				Interviewed?	N
Home	(b)(7)(C)	Mobile		Work	Extn
Email	cmeeks@taftlaw.com		Participation		

Other Persons Contacted					
Name	Jesse daley	Role	hired outside legal counsel	Relationship to employer	legal counsel
Address				Interviewed?	N
Home		Mobile		Work	Extn
Email	jdaley@taftlaw.com		Participation		

Penalty Adjustment Factors			
Size Reduction	0%	Size Justification	System set it to 0% based on the number of employees controlled.
Good Faith Reduction	0%	Good Faith Justification	No reduction shall be given for high gravity (high severity, greater probability) serious violations.
History Reduction	0%	History Justification	Inspection 1752919 with a Serious High Lesser citation within that previous 5 years.

Denial of Entry			
Denial Date/Time	Stage	Reason	Re-entry Date/Time

INSPECTION NARRATIVE

Establishment Name:	**Austin Powder**
Inspection Number:	**1830436**
UPA Number:	**2304550 and 2376228**

Nature and Scope:

☒**Complaint** ☒**Referral** ☐Referral-ER Reported ☐FAT/CAT ☐Follow-Up ☐Unprogrammed Related ☐Variance ☐Monitoring ☐Programmed Planned ☐Programmed Related ☐ATARs

Explain: OSHA addressed a chemical release with a media referral based inspection on June 11, 2025. A complaint was also received on the night of the release, that generally requested an inspection of the chemical release.

On the morning of the 11th, a chemical release occurred due to an overpressure in storage tank TA-520 which contents include Potential (b)(4) **nitric acid that also contains the explosive material pentaerythritol tetranitrate (PETN). The release initiated an evacuation of the entire PETN manufacturing area which also includes an acid recovery process operation and tank farm. Tank TA-520 is located in the tank farm. A local evacuation of citizens from the village of Zelenski also occurred due to the release.**

The company later described the release as a "nitric oxide NO_x" release in a June 17 press release/update on the company website. The update included that "a partially filled nitric acid storage tank at the Red Diamond Plant experienced an unanticipated chemical reaction that generated nitrogen oxide gas."

This inspection was focused on the release incident and circumstances surrounding the incident. (b) (5)

The PETN manufacturing area has two distinct processes covered by the OSHA Process Safety Management (PSM) standard that intersect, per se, in the tank farm. PETN manufacturing occurs in the PETN building and the covered process begins in the two reactors known as Nitriters. The two reactors are connected and it is here where the reaction of pentaerythritol and Potential (b)(**nitric acid occurs to produce PETN. Another explosive, Di-PEHN (dipentaerythritol hexanitrate) is also produced by the reaction from small amounts of dipentaerythritol in pentaerythritol used as raw stock material. The first step in refining the PETN explosive material is where the tank contents of TA-520 are generated. Excess Nitric Acid (aka spent acid or ENA) is the name for the waste stream generated in a vacuum filter process. The nitric acid drawn from the PETN process filtration equipment is sent to a receiving tank in the PETN production building and then is subsequently pumped to the storage tank, TA-520 which is located in the tank farm.** Potential (b)(4)

In normal operations phase, tank TA-520 contains explosive material due to PETN and Di-PEHN content in the spent nitric/excess nitric acid stream from the PETN manufacturing process. The OSHA PSM standard applies to the tank due to the explosive material content.

Inspection findings: On April 29, 2025 the NAC/SAC column suffered a mechanical failure that lead to catastrophic destruction of components. This resulted in immediate PETN manufacturing and Acid Recovery shutdown. The Acid Recovery process, including the processing of PETN containing spent nitric acid in "Decomposer" equipment, was not available from this date and was not available on the date of the release. By not being processed, spent acid tank contents were subject to multiple scenarios which can lead to potentially hazardous conditions, such as consolidation of material in the tank bottom and decomposition reactions of the explosive material.

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On May 29, 2025, a small production run (referred to as a PETN campaign) for PETN manufacturing operations was performed to utilize stock pentaerythritol that had already been fed into the system. This resulted in Potential (b)(4) **PETN produced. From this date on, until the date of the release, the tank contents were above the alarm temperature (50 °F) set point for the tank. The normal operations operating procedure, although not applicable to the temporary operations phase for both the production run and tank TA-520 operation, did not contain an operating limit temperature for tank TA-520. The alarm was "recognized" in the control system but there was no documented action for application of chilled water to the jacketed tank. According to employee testimony, there were no emails between the management and control room team leads recognizing temperature of tank TA-520. The temperature increased over the days and then rapidly increased until a temperature of ~155 °F was reached during or at the approximate time of the release.**

Based on multiple meetings with company managements, 6 control room operator interviews, site walkaround and document/documentation review of responsive documents related to 41 separate OSHA document requests, 10 serious violations were recommended and included in the November 25, 2025 citation. Findings of fact from the investigation activities related to the circumstances involved in the release included increasing temperature of the tank TA-520 contents, lack of temperature alarm recognition by staff, findings of magnesium content in tested sample of tank contents and blockage in the chilled water supply line. The loss of the Acid Recovery process column which when catastrophically was damaged was perhaps the initiating factor in the timeline of the release. The items were from four subparagraphs: process safety information (PSI), process hazard analysis (PHA), operating procedures and management of change (MOC).

The 10 citation items:

- **1910.119(d)(2)(i)(B) – PSI Process Chemistry; for the tank contents of TA-520,**
- **1910.119(d)(2)(i)(E) – PSI Evaluation for the Consequences of Deviation; for tank TA-520,**
- **1910.119(e)(3)(i) – PHA hazards of the process; high concentration of PETN in TA-520 for hazards of accumulation and decomposition,**
- **1910.119(e)(3)(iii) – PHA engineering and administrative controls applicable to the hazards; failed to consider means to safeguard cooling water supply to TA-520,**
- **1910.119(e)(6) – PHA revalidations did not include tank TA-520**
- **1910.119(f)(1)(i)(C) – Operating Procedures for Temporary Operations; 2 instances failed to develop procedures for PETN production and tank TA-520 operation when Acid Recovery process was unavailable/down due to damaged column,**
- **1910.119(f)(1)(i)(F) – Operating Procedures failed to implement normal shutdown procedure for tank TA-520 and empty tank for prolonged shutdown.**
- **1910.119(l)(1) – MOC; 3 instances failed to implement management of change procedure when PETN production was run without Acid Recovery process availability, when tank TA-520 was operated without Acid Recovery process availability and when control room access was impacted by maintenance activities,**
- **1910.119ld)(2)(ii) – MOC 3 instances failed to address impact on safety and health when PETN production was run without Acid Recovery process availability, when tank TA-520 was operated without Acid Recovery process availability and when control room access was impacted by maintenance activities, and**
- **1910.119ld)(2)(iii) - MOC 3 instances failed to consider and address modifications to operating procedures when PETN production was run without Acid Recovery process availability, when tank TA-520 was operated without Acid Recovery process availability and when control room access was impacted by maintenance activities.**

There will also be a recommendation letter sent to the employer to address additional PSM concerns.

Unusual Circumstances:

☐None ☐Denial of Entry ☒**Inspection Delays** ☐Strikes ☐Jurisdictional Issues ☐Trade Secrets ☒**Other**

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Establishment Name:	**Austin Powder**
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(b) (5)

afterwards assigned to (b)(7)(C) **who was assisted by** (b)(7)(C)

Site walkaround activities were delayed to assure that tank contents were stable, i.e. prevention of another release. OSHA was in communication with the employer's TaftLaw representative and informed of actions to stabilize tank contents.The company was concerned with the inability to "cool" the tank contents, there were concerns that reactions were continuing to occur, or could occur and eventually a cooling water system blockage was identified. The supply line blockage to the chilled water system supplying the vessel's jacket was repaired and cooling capabilities were restored over the weekend of June 13 and 14.

The inspection was impacted by the government shutdown that occurred from October 1 through the return to duty on November 13, 2025. (b) (5)

Referral(s) to Another Agency: ☐Yes(explain) ☒No

Establishment Summary: (Include information about the site, type of work being performed, products being produced, etc., OSHA coverage, Employer/Employee relationship, etc.)

Explain: Austin Powder is an international company with facilities in Europe, South America, Asia/Pacific nations and Latin America. Domestic facilities outside Ohio include operations in Florida, Arkansas, Texas, Tennessee, Minnesota and Oregon. The facility impacts interstate commerce through the multi-state operations and the use in the construction industry of commercial explosives manufactured that utilize PETN such as detonating fuses.

This site has multiple manufacturing operations spread throughout the facility. The operation being inspected is the PETN manufacturing area.

CSHO PPE Used On-site: ☒Standard PPE (Safety shoes, safety glasses) ☐Hard Hat ☐Other
Explain:

Opening Conference:

Opening Conference Held with Employee Representative? ☐ Jointly ☐Separately

☐Employer given copy of OSH Act ☐Employer Rights & Responsibilities

Explain: Initial opening conference held by CSHO Weekes on June 11 and a second opening conference was held on June 13th when CSHO (b)(7)(C) **took over inspection activities.**

Closing Conference:

Closing Conference Held with Employee Representative? ☐ Jointly ☐Separately

☐No Violations Observed ☒Encouraged Informal Conference

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Establishment Name:	**Austin Powder**
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☐Gave Copy Employer Rights & Responsibilities	☐Offered Abatement Assistance
☒Reviewed Hazards & Standards	☐Discussed Consultation Programs
☐Discuss Employer Rights/Obligations	☐Employer/Employee Questionnaires

Were any unusual circumstances encountered such as, but not limited to, abatement problems, expected contest and/or negative employer attitude? ☒No ☐ Yes: If yes, explain:

Explain: Held November 24, 2025 by TEAMS call, Chris Wakefield and Paul Egar representing the company along with outside counsel Conor Meeks and Jesse Daley. (b)(7)(C) **represented OSHA along with acting Area Director Sean Kennedy. Counsel waived detailed discussion of contest and informal conference procedures.**

All ten proposed violations were discussed. Mr Meeks asked about potential for second issuance due to statute of limitations, use of the May 30 earliest exposure date and OSHA responded that second issuance would not likely occur. Arrangements were discussed for hand delivery on either November 25 or November 26.

Safety and Health Programs and Documentation Reviewed During the Inspection:	
☒**Recordkeeping OSHA 300 and 300A logs (last three years and current year)**	☐Lock-Out/Tag-Out:
☒**Hazard Assessment/ JSA/ PPE**	☐Electrical Safe Work Practices:
☐Equipment Assessment/Inspections	☐Respirator Program:
☐Hazard Communication:	☐Hearing Conservation Program:
☐Permit Confined Space:	☐Blood Borne Pathogens Program:
☐Emergency Action Plan/Fire Prevention:	☐Other: COVID-19 Related Program

Safety and Health Management System Evaluation: (Include information related to any of the seven elements: Management Leadership, Worker Participation, Hazard ID & Assessment, Education and Training, Program Evaluation & Improvement, Communication & Coordination to Contractors/Temp Agencies)

Explain: The evaluation in this inspection centered around the company PSM program and PSM program elements relevant to the June 11 release from tank TA-520. Program elements evaluated during the inspection included:

Process Safety Information - the company had a written program describing actions to be taken, where process safety information (PSI) would generally be compiled (stored) and how the information would be used. Regarding the tank and PETN manufacturing, the company did not follow it's own internal policy. For example, a specific PSI document containing all the locations for specific PSI did not exist, or was not provided, in response to PSI requests for PETN manufacturing and also for the tank farm, TA-520 storage tank. It's uncertain if some pieces of PSI (such as process chemistry, operating limits, safety systems and evaluation of consequences of deviation) were ever compiled and maintained. Operating procedures for the tank normal operations phase did not contain the PSI, as referenced by the written program document. PSI violations (see above) were documented, included in the November citation and additional PSI elements were included in a recommendation letter.

Process Hazard Analysis – the company performed an initial process hazard analysis (PHA) prior to process start-up and then performed a second "initial" PHA in 2017 after the process was operational as a final initial PHA. Both the 2014 and 2017 PHAs addressed the storage tank TA_520. However, the PHAs did not address all the process hazards for the tank and did not address safeguarding cooling water supply for the tank jacket. These two PHAs dealt with both the Acid

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Recovery processes and the PETN manufacturing covered process. Later, the company performed PHA updates for these two processes in two separate PHA revalidations as required. However, neither of the revalidations included the excess nitric acid tank operations. PHA violations (see above) were documented, included in the November citation and additional PHA elements were included in a recommendation letter.

Operating procedures – the company outlined operating procedures content in a written program document. Additionally, the PSI written program document also outlined that PSI content be included in operating procderes. For the operating tank normal procedures and PETN manufacturing normal procedures, PSI content such as safe upper limits for temperature and consequences of deviations were not included in normal operation phase operating procedures for the tank TA-520. When the Acid Recovery process went down, tank contents of TA-520 were unable to be processed. The company did not develop and did not have temporary operations for continued operation of tank TA-520. The normal shutdown procedure for tank TA-520 had a section for prolonged shutdown that included instructions to empty tank TA-520 contents. This did not occur. Tank TA-520 operating procedures are contained in a larger document for all tank farm operating procedures. This document does contain some PSI and includes a lower limit for the volume of tank TA-520 as 15% being the lower limit. Although this conflicts with the "empty" tank instruction in the prolonged shutdown normal shutdown procedure; the company did not empty the tank to this lower limit until after the June 11 event. The company did not develop a temporary operations phase operating procedure for PETN manufacturing operations that occurred were the Acid Recovery processes were down and unavailable due to equipment damage. Operating procedures violations (see above) were documented, included in the November citation and additional operating procedures issues were included in a recommendation letter.

Training – due to time lost to the government shutdown, the company training program for managers (and operators) was not addressed by interviews as would normally occur. Based on circumstances surrounding the incident and inspection processes that did occur, training in management of change and operating procedures may need more focus or additional content. The company written program does not address employees, or management receive training in specific PSM requirements such as operating procedures content and when/how to initiate a management of change procedure. The training program will be addressed in a recommendation letter.

Mechanical Integrity – there were some equipment inspection concerns that will be addressed by a recommendation letter.

Incident investigation – will be addressed by a recommendation letter.

Management of change – the company outlined management of change procedures MOCs in a written program document and had implemented some management of change procedures in the past. The written program does not provide specific examples beyond the general descriptions for change in the standard. In general, employees were aware that when management of change procedures were implemented management would discuss the procedure, then have them sign off on the change. No employee discussed MOCs being discussed that were relevant to recent events. All area managers and facility management with responsibilities were aware of the damaged equipment and loss of Acid Recovery operations prior to the June 11 release event. Loss of this process impacted the ability to process PETN containing spent acid waste stream during PETN manufacturing that occurred May 29-30 and during the operation of the storage tank TA-520 during the period when production did not occur after the stop of Acid Recovery operations on April 29th. Management of change procedures were not initiated to address operating procedures modifications, such as developing temporary operations phase procedures with relevant content that included temperature monitoring of TA-520, create an operating limit for temperature, address safety systems (temperature alarms) and steps to correct deviations. Additionally, local PETN management were all aware of planned maintenance activities that impacted ability to monitor temperature in the control room and an MOC was not initiated following this planned activity. MOC violations (see above) were documented, included in the November citation and additional MOC issues were included in a recommendation letter.

Emergency planning and response – the company plan for evacuation was implemented during the event. Evacuation was undeway immediately, and evactuation from the area had already begun prior to the sounding of the general alarm. There were no known injuries or illnesses reported by employees related to the event. No employees working during the event interviewed discussed an injury, illness or problems with the evacuation. OSHA only performed initial interviews and

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did not interview employees involved with mitigating the event, i.e. those who took actions related to the storage tank while contents were still at an elevated temperature. A recommendation letter will address HazWopper training for workers, specifically maintenance employees in the PETN/Acid Recovery area of operations.

Compliance audits – will be addressed by a recommendation letter.

Components for the company PSM program in the PETN manufacturing, tank farm operations and Acid Recovery operations *that were not included* in a detailed fashion of the investigation program review included employee participation, contractors, pre-startup safety review, hot work permit and trade secrets.Review of these PSM elements were not covered by the scope of the release investigation, beyond receiving the written programs in response to OSHA document request for the PSM written program.

The gaps and deficiencies related to the tank TA-520 operations in the PETN manufacturing area safety and health management system do not support application of good faith penalty reduction.

EISA Recommendation:		
☐Yes	☒No (If No Give Reason(s) Below)	☐NA - No penalty
☒Case is Accident and/or Fatality Catastrophe	☐FTA, Repeated, or Willful violations issued	
☒Company issued > 2 HG Serious Violations	☐Company has overdue unpaid OSHA penalties	
☐Other Factors (poor corporation, long term abt., incomplete/ineffective/non-existent safety and health program)		
Explain: There was a catastrophic release from a covered process resulting in > 1000 lbs of nitric acid generated material released. The penalty issued exceeded $100, 000.		

Whistleblower Information: ☐Yes ☒No	(Include comments from employer and/or employees that raises WB concerns. Be specific with name of who made comments and dates.)

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

Violation Worksheet

Print Date: 11/18/2025

		Inspection Number	1830436		
		Opt. Insp. Number			
Establishment Name	Austin Powder Holding Company				
DBA Name	Austin Powder Company				
Type Of Violation	Serious	**Citation Number**	1	**Item/Group**	1
Standard	1910.119(d)(2)(i)(B)				
Alleged Violation Description	29 CFR 1910.119(d)(2)(i): Process Safety Information. Information concerning the technology of the process shall include at least the following: 29 CFR 1910.119(d)(2)(i)(B): Process chemistry; a. On or about June 11, 2025, the employer failed to compile and maintain process safety information for excess nitric acid storage tank TA-520 process chemistry related to tank contents that include PETN (pentaerythritol tetranitrate) and nitric acid. Process chemistry for storage tank TA-520 includes reaction chemistry, such as, but not limited to PETN decomposition reaction.				
Recommended Abatement Action					
# Instances	1	**# Exposed**	33		
Special Enforcement Type		**Related Event Code (REC)**	Referral		
General Duty Key Words		**Employer's Relation to Hazard**			
Photo/Video Number		**Substance Codes**	1860-Nitric Acid		

Penalty

Severity	High		
Severity Justification	Death and/or permanently disabling injury are reasonably predictable outcomes from a catastrophic release of nitric acid or sulfuric acid from the covered process or from an energetic event from the explosive PETN.		
Probability	Lesser		
Probability Justification	Process Safety Information compilation violations are administrative in nature.		
Gravity	Moderate	**Size**	0%
Gravity based Penalty	$11,823.00	**Good Faith**	0%
# Times Repeated		**History**	0%
Multiplier		**Quick Fix**	0%
Calculated Penalty	$11,823.00	**Proposed Penalty**	$11,823.00

Proposed Penalty Justification	

Abatement Details

# Days to Abate	30 calendar days	**Abatement Status**	
Abatement Due Date		**Date Abated**	
Abatement Documentation Required?		**Date Verified**	
Abatement Completed Description			

Multi-Step Abatement

Type/Other Type	# Days to Abate	Abatement Due Date	Completed (Status)	Verify Date

Employee Exposure

Violation Instance	# Exposed to Instance	Employer	Name and Address Telephone Numbers	Job Title	Duration / Frequency	Proximity

(b) (7)(C)

(b) (7)(C)

All 33 PETN area employees have continuous exposure to the PSM hazards associated with PETN production, the tank farm and Acid Recovery

Worksheet Details

A) **Hazards-Operation/Condition-Accident**: hazards associated with catastrophic release of Nitric Acid and potential NOx oxides, PETN decomposition hazards and explosion hazards associated with PETN (pentaerythritol tetranitrate) /**Failure to document, compile and maintain Process Chemistry process safety information for the excess nitric acid storage tank (TA-520)**

The employer failed to document process safety information and did not document, compile and maintain Process Chemistry information for the excess nitric acid storage tank contents. These tank contents include PETN in solution that is Potential (b)(4) nitric acid.

Process chemistry concerns include:

- PETN decomposition reaction,
- nitric acid decomposition (by heat) generating NOX,
- water infiltration (potential) chemistry issues and
- chemistry issues related to PETN "mixing" hazards that could arise from PETN consolidation through settling by PETN separation out of solution into the tank bottom.
- Another process chemistry concern could be from "partially nitrated" pentaerythritol (PE) – (b) (4), Potential (b)(4)

OSHA requested Process Chemistry process safety information (PSI) for the TA-520 tank contents in Document Request 29. The employer response did not provide any PSI documentation in this response (see Taft Law's Jesse Daley email) and simply referred to previously provided documents from document request #16 which requested PSI technology for process chemistry, safe upper and lower limits and evaluation of the consequences of deviation. Document Request 29 for PSI Process Chemistry was duplicative of request 16 purposefully as the company had not provided Process Chemistry documentation compliant for the storage tank.

The company provided four documents in response to request 16 three did not have any Process Chemistry documentation – Plant Operating Manual Part A Basic data and Process operating conditions, Biazzi PETN Plant File 1 Process, Part 7 Health and safety hazard data and Health and Safety Hazard Date for the products involved in the manufacture of PETN. The fourth document titled Plant Operating manual, Part B General process description (see attached) has some useful chemistry information but is not specific to the excess nitric acid storage tank and does not provide the specific chemistry for the tank. The Part B document has general description of excess nitric acid produced and stability, then discusses some relevant instability issues that can lead to "fume off" without further describing "fume off" specifically or the chemical reaction with relevant chemistry reaction information regarding temperature, heat use, heat generation and potential runaway reactions.

The relevant section of Part B discussing Spent Acid (pp. 11) in the PETN manufacturing process:

- Potential (b)(4)

- The company does not mention DiPEHN in any PSI provided OSHA (outside this document) and has not documented DiPEHN (dipentaerythritol hexanitrate) process chemistry content to OSHA that is compliant.
- The instability discussion in this section is not directly identified by chemical reaction to be regarding PETN in TA-520 solution or for the acid itself.
- Spent acid "fume off" is left general and does not specifically identify "what" is fumed off.
- There are no chemistry specifics for the concentration of PETN, for example or temperature of the tank contents TA-520 or the "amount of organics which are dissolved in" for which the spent acid instability is discussed.
- The chemistry for hydrolysis reactions are not detailed, and the heat of reaction generated or lost is not detailed. The reactions are not listed.
- The oxidation reaction discussed is not listed. The "Potential (b)(4) " are not listed or discussed.
- The reaction mechanism for the "(d)estruction of DiPEHN and PETN" is not listed.
- The further discussion of "decomposion reaction" due to Potential (b)(4) catalyst does not include the chemical reaction (Potential (b)(4)
- A reference is made to a 1963 publication without sharing the document or further describing PETN decomposition reactions.

The responsive document provided as part of document request 16 does not in itself comply with the Process Chemistry requirement. There is nearly no reaction chemistry provided in any detailed manner. The general information is useful for users of the system but is more focused on the PETN manufacturing and not detailed to critical storage tank chemistry in any fashion.

There is no discussion of reaction chemistry when temperatures increase, if there is water infiltration from chilled water sources used for cooling (in the reactors and jacketed at the tank), increased risks for decomposition reaction when PETN "consolidates" in tank bottoms or what exactly the chemical reaction of the tank contents that can generate "NOX" gases/fumes which may have been involved in the release.

The employer's written program document for PSI specifies that process chemistry will be contained in each PSI

document and all operating procedures. The company did not have a PSI document for the excess nitric acid tank or the tank farm that provided process chemistry. Operating procedures for the tank farm includes operating procedures for the storage tank (TA-520). These procedures did not contain process chemistry.

B) **Equipment**: excess nitric acid tank TA-520

C) **Location**: tank farm

D) **Injury/Illness (and Justifications for Severity and Probability)**: see above

E) **Measurements**:

F) **Employer Knowledge**: The employer demonstrates knowledge of OSHA PSI requirements for process chemistry within the written program, Process Safety Information. Line 5.2.1.2 specifically addresses the OSHA subparagraph and Potential (b)(4)
The written program was updated for Process Chemistry information (creating the specific location for the Process Chemistry on the specific PSI document) as recently as 2022.

The company has previously received citation for process safety information documentation including information of the technology in 2015.

The company has process chemistry information for the PETN manufacturing process including the chemical reaction.

The company PHA, which PETN manager Caleb Orton was a team member, listed PETN decomposition reaction hazards for the S2 Node of the PHA that covered tank TA-520.

G) **Comments**:

H) **Other Employer Information**:

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

Violation Worksheet

Print Date: 11/18/2025

		Inspection Number	1830436		
		Opt. Insp. Number			
Establishment Name	Austin Powder Holding Company				
DBA Name	Austin Powder Company				
Type Of Violation	Serious	**Citation Number**	1	**Item/Group**	2
Standard	1910.119(d)(2)(i)(E)				
Alleged Violation Description	29 CFR 1910.119(d)(2)(i): Process Safety Information. Information concerning the technology of the process shall include at least the following: 29 CFR 1910.119(d)(2)(i)(E): An evaluation of the consequences of deviations, including those affecting the safety and health of employees. a. On or about June 11, 2025, the employer failed to compile and maintain process safety information for the excess nitric acid storage tank (TA-520) consequences of deviations including temperature deviations, such as consequences for exceeding the temperature alarm set point for the tank.				
Recommended Abatement Action					
# Instances	1	**# Exposed**	33		
Special Enforcement Type		**Related Event Code (REC)**	Referral		
General Duty Key Words		**Employer's Relation to Hazard**			
Photo/Video Number		**Substance Codes**	1860-Nitric Acid		

Penalty

Severity	High		
Severity Justification	Death and/or permanently disabling injury are reasonably predictable outcomes from a catastrophic release of nitric acid or sulfuric acid from the covered process or from an energetic event from the explosive PETN.		
Probability	Lesser		
Probability Justification	Process Safety Information compilation violations are administrative in nature.		
Gravity	Moderate	**Size**	0%
Gravity based Penalty	$11,823.00	**Good Faith**	0%
# Times Repeated		**History**	0%
Multiplier		**Quick Fix**	0%
Calculated Penalty	$11,823.00	**Proposed Penalty**	$11,823.00

Proposed Penalty Justification	

Abatement Details

# Days to Abate	30 calendar days	**Abatement Status**	
Abatement Due Date		**Date Abated**	
Abatement Documentation Required?	Yes	**Date Verified**	
Abatement Completed Description			

Multi-Step Abatement

Type/Other Type	# Days to Abate	Abatement Due Date	Completed (Status)	Verify Date

Employee Exposure

Violation Instance	# Exposed to Instance	Employer	Name and Address Telephone Numbers	Job Title	Duration / Frequency	Proximity

(b) (7)(C)

(b) (7)(C)

All 33 PETN area employees have continuous exposure to the PSM hazards associated with PETN production, the tank farm and Acid Recovery

Worksheet Details

A) **Hazards-Operation/Condition-Accident**: hazards associated with catastrophic release of Nitric Acid and potential NOx oxides, PETN decomposition hazards and explosion hazards associated with PETN (pentaerythritol tetranitrate) /**Failure to document, compile and maintain an evaluation of the consequences of deviations, process safety information for the excess nitric acid storage tank (TA-520)**

The employer failed to document process safety information and did not document, compile and maintain an evaluation of the consequences of deviation information for the excess nitric acid storage tank contents. These tank contents include PETN in solution that is Potential (b)(4) nitric acid.

Consequences of deviation can be derived from potential hazards related to process chemistry. Some process deviation concerns include:

- PETN decomposition reaction, which generates heat
- Elevated temperatures that can result in nitric acid decomposition generating NOx,
- water infiltration (potential) chemistry issues and the generation of heat to the tank contents
- Another process chemistry concern could be from "partially nitrated" pentaerythritol (PE) – Potential (b)(4)

- Excess (above normal) PETN in the tank

OSHA requested the evaluation for consequences of deviation process safety information (PSI) for the TA-520 tank contents in Document Request 16 which requested PSI technology of the process and included PSI for process chemistry, safe upper and lower limits and evaluation of the consequences of deviation.

The company provided four documents in response to request 16. One document was titled "Plant Operating Manual Part A Basic data and Process operating conditions" and pg. 15 section 5.1, included a table with target ranges for PETN, DiPEHN (dipentaerythritol hexanitrate) and temperatures. The table does not specify

consequences of deviation beyond stating that the "Potential (b)(4) Other than the vague use of the word stable, there is not an analysis for the consequences of deviation for excess acid concentration in the tank or tank contents temperature. The discussion accompanying the 5.1 table plainly references the process being in the design phase Potential (b)(4) ") and does not address consequences of deviation, such as the reference to PETN precipitation in the tank without stating "what could happen" due to precipitation. The document did not provide an evaluation for the consequences of deviation.

A second document produced was titled "Safety Hazard Data for the products involved in the manufacture of PETN" and included (pg.30) a section 3, Safety Concerning Waste Products with subsection 3.1 PETN spent acid that provided some generalized text applicable to tank TA-520 without providing detailed PSI for evaluating the consequences of deviation. Excerpts from the section included:

- Potential (b)(4)

The fourth document titled "Plant Operating manual, Part B General process description" (see attached) has similar information as the previously three mentioned documents but does not have compliant PSI regarding evaluation for the consequences of deviation. The document similarly discusses "fume-off" and catalyzed mechanisms of PETN "destruction" without providing specific information for a consequence of deviating a system (in this case the storage tank operation) parameter or function. For instance, none of the documents provide a consequence for the inability to process spent acid through the normal Plinke/Acid Recovery decomposer operation.

The Part B document has general description of excess nitric acid produced and stability, then discusses some relevant instability issues that can lead to "fume off" without further describing "fume off" specifically or the chemical reaction with relevant chemistry reaction information regarding temperature, heat use, heat generation and potential runaway reactions In addition the document is not discussing spent acid in situ as stored, used and processed in TA-520 but the spent acid during the production process. Taken from page 11:

Potential (b)(4)

Potential (b)(4)

- Spent acid “fume off” is left general and does not specifically identify “what” is fumed off.
- There are no specifics for the concentration of PETN, for example or temperature of the tank contents TA-520 or the “amount of organics which are dissolved in” for which the spent acid instability (or what could occur.)
- The reactions discussed do not have consequences listed. If they occur there is only the vague reference to fume-off preceding the discussion of reactions.
- The further discussion of “decomposition reaction” due to Potential (b)(4) catalyst does not include the consequences for the chemical reaction beyond the vague reference to stability Potential (b)(4)

- The Part B document does not contain compliant PSI documentation for evaluation of the consequences of deviation.

B) **Equipment**: excess nitric acid tank TA-520

C) **Location**: tank farm

D) **Injury/Illness (and Justifications for Severity and Probability)**: see above

E) **Measurements**:

F) **Employer Knowledge**: The employer demonstrates knowledge of OSHA PSI requirements for evaluation of consequences of deviation within the written program, Process Safety Information. Line 5.2.1.5 specifically addresses the OSHA subparagraph and Potential (b)(4)

The company has previously received citation for process safety information documentation including information of the technology in 2015.

The company PHA, which PETN manager Caleb Orton was a team member, listed PETN decomposition reaction hazards for the S2 Node of the PHA that covered tank TA-520. Potential (b)(4)

G) **Comments**:

H) **Other Employer Information**:

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

Violation Worksheet

Print Date: 11/18/2025

	Inspection Number	1830436	
	Opt. Insp. Number		

Establishment Name	Austin Powder Holding Company				
DBA Name	Austin Powder Company				
Type Of Violation	Serious	**Citation Number**	1	**Item/Group**	3
Standard	1910.119(e)(3)(i)				
Alleged Violation Description	29 CFR 1910.119(e)(3): Process hazard analysis. The process hazard analysis shall address: 29 CFR 1910.119(e)(3)(i): The hazards of the process; a. On or about June 11, 2025, the employer's process hazard analysis (PHA) did not address the hazards of the process, in that high concentration of PETN (pentaerythritol tetranitrate) and/or DiPEHN (dipentaerythritol hexanitrate) in the excess nitric acid storage tank was not addressed for hazards of accumulation and decomposition reaction for these explosive materials. The employer performed an initial HazOp methodology based PHA finalized in December 2014 and another HazOp methodology based PHA finalized in January 2017 addressing the tank in both PHAs as Node S2. None of the 16 line items in the 2017 PHA S2 Node or the 16 line items in the 2014 PHA S2 Node addressed hazards associated with a high concentration or high levels of explosive material in the tank contents, such as with a “deviation” for high concentration for the explosive materials in the S2 Node that addressed excess nitric acid storage tank TA-520.				
Recommended Abatement Action					

# Instances	1	**# Exposed**	33
Special Enforcement Type		**Related Event Code (REC)**	Referral
General Duty Key Words		**Employer's Relation to Hazard**	
Photo/Video Number		**Substance Codes**	

Penalty

Severity	High
Severity Justification	Death and/or permanently disabling injury are reasonably predictable outcomes from a catastrophic release of nitric acid or sulfuric acid from the covered process or from an energetic event from the explosive PETN.
Probability	Lesser

Probability Justification	It is unknown if excess PETN or was a factor in large scale release event		
Gravity	Moderate	**Size**	0%
Gravity based Penalty	$11,823.00	**Good Faith**	0%
# Times Repeated		**History**	0%
Multiplier		**Quick Fix**	0%
Calculated Penalty	$11,823.00	**Proposed Penalty**	$11,823.00
Proposed Penalty Justification			

Abatement Details

# Days to Abate	45 calendar days	**Abatement Status**	
Abatement Due Date		**Date Abated**	
Abatement Documentation Required?	Yes	**Date Verified**	
Abatement Completed Description			

Multi-Step Abatement

Type/Other Type	# Days to Abate	Abatement Due Date	Completed (Status)	Verify Date

Employee Exposure

Violation Instance	# Exposed to Instance	Employer	Name and Address Telephone Numbers	Job Title	Duration / Frequency	Proximity

(b) (7)(C)

(b) (7)(C)

All 33 PETN area employees have continuous exposure to the PSM hazards associated with PETN production, the tank farm and Acid Recovery

Worksheet Details

A) **Hazards-Operation/Condition-Accident**: hazards associated with catastrophic release of Nitric Acid and potential NOx oxides, PETN/DiPEHN decomposition hazards and explosion hazards associated with PETN (pentaerythritol tetranitrate) and DiPEHN (dierythritol hexanitrate) /**Failure to address hazards in Process Hazard Analysis of "high levels" of energetic materials in nitric acid contents for the excess nitric acid storage tank (TA-520)**

The employer failed to document that the initial PHA for the storage tank TA-520 addressed and the team performed an analysis for hazards associated with high concentrations of explosive material in the tank. The company performed a PHA in 2014 prior to covered process operations initiation and then performed an additional PHA after operations had begun in 2017. Both these PHAs address the tank for excess nitric acid storage in these hazard and operability study type methodology and both addressed the tank in Node S2 titled "Excess Nitric Acid Storage/Transfer Tank TA 520."

A routine analytical strategy in performing process hazard analysis is to look at hazardous materials and scenarios where there are more of the materials or higher amounts of the materials than anticipated. For this type of PHA methodology, the two PHA teams applied this strategy by using the deviation "high concentration." For both the 2014 and 2017 PHAs, examples of "high concentration" Deviation use include Node M1 (High

Concentration of acetone impact on the Megtec Carbon Adsorption System), and Node P2 (High Concentration PETN in the NAC column-the Acid Recovery process column). Similar deviations used in these PHAs include "high flow" and "high level" which could also be used to address hazards associated with more materials in a process stream or in a specific piece of process equipment. The employer's PHAs did not address "more" or "high concentration" of explosive materials (PETN/DiPEHN) in spent acid that is generated by manufacturing and stored in the excess nitric acid storage tank TA-520.

Internal documents were provided by the employer that present hazards associated with explosive materials in the spent acid stream (aka excess nitric acid). Potential (b)(4)

The Biazzi company design document, "Biazzi PETN Plant, Plant Operating Manual, Part B Process Description" addresses hazards associated with explosive materials in the spent acid (see attached excerpts).

The Part B Process Description document pages 11 and 12 address the "stability" of spent acid in relation to the explosive materials DiPEHN and PETN.

Potential (b)(4)

Later in the Part B Process Description document on page 14:

Potential (b)(4)

Another document provided by the employer, is the Biazzi company design document, “Biazzi PETN Plant, Process, Health and safety hazard data.” Page 30 of this document begins a section regarding the safety of waste products generated in the manufacturing operation and specifically discusses the PETN spent acid waste stream.

Potential (b)(4)

These paragraphs have similar content to the Part B process description document.

Page 30 continues with strongly worded guidance to “prevent” PETN hazards by preventing the material from “getting into” the waste stream:

Potential (b)(4)

The company is directly aware that PETN and DiPEHN will be in the waste stream noted as excess nitric acid. It purposefully processes the acid in Acid Recovery equipment to treat the explosive material and remove it before nitric acid is concentrated in the NAC/SAC column. The company is aware of PETN/DiPEHN hazards can be increased with an increase in material entering the stream and did not address the “more” or “higher concentration” hazards in the company PHA(s).

B) **Equipment**: excess nitric acid tank TA-520

C) **Location**: tank farm

D) **Injury/Illness (and Justifications for Severity and Probability)**: see above

E) **Measurements**:

F) **Employer Knowledge**: The company addresses PETN and DiPEHN decomposition in multiple design documents discussed above. The company has exact knowledge of hazards for explosive material in excess nitric acid that accumulates in the TA-520 tank and this knowledge is demonstrated by the Biazzi company provided documents (see above) provided in response to Document Request 16.

The company PHA addresses decomposition hazards in the storage tank in Node S2 of both the 2014 PHA and the 2017 PHA. This demonstrates recognition of the hazards going back to the design stage of the process.

The company PHA, which current PETN manager Caleb Orton was a team member, listed PETN decomposition reaction hazards for the S2 Node of the PHA that covered tank TA-520. Potential (b)(4)

G) **Comments**:

H) **Other Employer Information**: The company design includes processing DiPEHN from manufacturing operations as dipentaerythritol is listed in raw materials specifications for Nitration grade Pentaerythritol (see excerpted and attached “Biazzi PETN Plant, Plant Operating Manual, Basic data and Process operating conditions”)

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

Violation Worksheet

Print Date: 11/18/2025

	Inspection Number	1830436	
	Opt. Insp. Number		

Establishment Name	Austin Powder Holding Company				
DBA Name	Austin Powder Company				
Type Of Violation	Serious	**Citation Number**	1	**Item/Group**	4
Standard	1910.119(e)(3)(iii)				
Alleged Violation Description	29 CFR 1910.119(e)(3): Process hazard analysis. The process hazard analysis shall address: 29 CFR 1910.119(e)(3)(iii): Engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases. (Acceptable detection methods might include process monitoring and control instrumentation with alarms, and detection hardware such as hydrocarbon sensors.); a. On or about June 11, 2025, the employer's process hazard analysis (PHA) failed to consider a means of safeguarding chilled water flow into tank TA-520, the excess nitric acid storage tank. Chilled water can be used to control temperature by flowing through the vessel "jacket." The employer performed an initial HazOp methodology-based PHA finalized in December 2014 and another HazOp methodology-based PHA finalized in January 2017 addressing the tank in both PHAs as Node S2. None of the 16 line items in the 2017 PHA S2 Node or the 16 line items in the 2014 PHA S2 Node addressed a means of safeguarding chilled water flow into tank TA-520.				
Recommended Abatement Action					

# Instances	1	**# Exposed**	33
Special Enforcement Type		**Related Event Code (REC)**	Referral
General Duty Key Words		**Employer's Relation to Hazard**	
Photo/Video Number		**Substance Codes**	

Penalty

Severity	High
Severity Justification	Death and/or permanently disabling injury are reasonably predictable outcomes from a catastrophic release of nitric acid or sulfuric acid from the covered process or from an energetic event from the explosive PETN.
Probability	Greater
Probability Justification	Damaged supply line; chilling system cooling line to TA-520 jacket found

	plugged after release event; Valve that controls cooling was "throttled" and not open completely.		
Gravity	High	**Size**	0%
Gravity based Penalty	$16,550.00	**Good Faith**	0%
# Times Repeated		**History**	0%
Multiplier		**Quick Fix**	0%
Calculated Penalty	$16,550.00	**Proposed Penalty**	$16,550.00
Proposed Penalty Justification			

Abatement Details

# Days to Abate	45 calendar days	**Abatement Status**	
Abatement Due Date		**Date Abated**	
Abatement Documentation Required?	Yes	**Date Verified**	
Abatement Completed Description			

Multi-Step Abatement

Type/Other Type	# Days to Abate	Abatement Due Date	Completed (Status)	Verify Date

Employee Exposure

Violation Instance	# Exposed to Instance	Employer	Name and Address Telephone Numbers	Job Title	Duration / Frequency	Proximity

(b) (7)(C)

(b) (7)(C)

All 33 PETN area employees have continuous exposure to the PSM hazards associated with PETN production, the tank farm and Acid Recovery

Worksheet Details

A) **Hazards-Operation/Condition-Accident**: hazards associated with catastrophic release of Nitric Acid and potential NOx oxides, PETN/DiPEHN decomposition hazards associated with PETN (pentaerythritol tetranitrate) and DiPEHN (dierythritol hexanitrate) /**Failure to address controls in Process Hazard Analysis (PHA) to safeguard chilled water supply for use in regulating temperature in energetic materials containing nitric acid contents for the excess nitric acid storage tank (TA-520)**

The company performed two PHAs (see attached excerpted 2014 and 2017 PHAs) that used HazOp methodology to address hazards and controls applicable to the hazards in excess nitric acid storage tank operations. The PHAs failed to address safeguards for the chilled water supply, even though BOTH PHAs recognize the potential for loss of cooling water.

Austin Powder uses a chilled water system that is plumbed to the storage tank. This tank is a “jacketed” vessel. The need for temperature control in this vessel is documented in design documents related to PETN/DiPEHN decomposition and in the operating procedure document for the Tank Farm (which plainly states “heat my build pressure”) in the Hazardous Chemicals Excess Nitric Acid, Hazards section. PETN manufacturing design documents provided by the Biazzi company dictate temperature control to prevent acid “fume-off.”

The excess nitric acid storage tank is addressed as Node S2 in both the 2014 and 2017 PHA. There were 16 line items in each PHA. None of the PHA line items for Node S2.

Regarding PHA analysis of controls and interrelationship with fluid cooling of vessels, it can be plainly state that routinely process industry companies address safeguarding of chilled water supply through use of flow monitoring to assure that chiller water flow is at the desired rate for temperature control.

B) **Equipment**: tank TA-520, chilled water supply equipment, piping from chilled water supply to TA-520 jacket, valve(s)

C) **Location**: Tank Farm

D) **Injury/Illness (and Justifications for Severity and Probability)**: see above

E) **Measurements**: The company did not have flow rate measurement in the piping supply/return for TA-520 vessel jacket.

F) **Employer Knowledge**: The company recognized the temperature related hazards for the tank content and recognized the potential for "loss of cooling water" in the PHA deviation "cause" in line item 102F for the 2014 PHA and line item 108F for the 2017 PHA. These PHA also list chilled water as a control for the temperature related hazards – 2017 PHA line 108G and 2014 PHA line 102G.

The company has a high temperature alarm for tank TA-520.

Company PETN manufacturing design documents provided in response to document request 16 detail the temperature related hazards for "unstable" spent acid waste stream materials. The company also refers to spent acid as excess nitric acid and the spent acid waste stream generated by PETN manufacturing are ultimately the contents of tank TA-520.

Company managers Chris Wakefield and Caleb Orton were both aware of the temperature related hazards and temperature alarm for tank TA-520 prior to the June 11 release event.

G) **Comments**:

H) **Other Employer Information**:

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

Violation Worksheet

Print Date: 11/18/2025

	Inspection Number	1830436	
	Opt. Insp. Number		

Establishment Name	Austin Powder Holding Company				
DBA Name	Austin Powder Company				
Type Of Violation	Serious	**Citation Number**	1	**Item/Group**	5
Standard	1910.119(e)(6)				
Alleged Violation Description	29 CFR 1910.119(e)(6): At least every five (5) years after the completion of the initial process hazard analysis, the process hazard analysis shall be updated and revalidated by a team meeting the requirements in paragraph (e)(4) of this section, to assure that the process hazard analysis is consistent with the current process. a. On or about June 11, 2025, the employer failed to perform a process hazard analysis (PHA) revalidation and update that covered the excess nitric acid storage tank (TA-520) operations within the five (5) year completion schedule required by this part. The employer performed and finalized the most recent PHA that addressed the tank in January 2017 and has not performed another PHA revalidation that addressed the tank since that time. Due to the lack of an updated and revalidated PHA for TA-520 operations, process hazards such as increased concentration of explosive materials in the tank, safeguards for chilled water supply to the jacket, and changes such as but not limited to elimination of sparger line use in the tank are unaddressed and not considered by the hazard analysis process.				
Recommended Abatement Action					

# Instances	1	**# Exposed**	33
Special Enforcement Type		**Related Event Code (REC)**	Referral
General Duty Key Words		**Employer's Relation to Hazard**	
Photo/Video Number		**Substance Codes**	1860-Nitric Acid

Penalty

Severity	High		
Severity Justification	Death and/or permanently disabling injury are reasonably predictable outcomes from a catastrophic release of nitric acid or sulfuric acid from the covered process or from an energetic event from the explosive PETN.		
Probability	Greater		
Probability Justification	A large-scale release did occur.		
Gravity	High	**Size**	0%

Gravity based Penalty	$16,550.00	**Good Faith**	0%
# Times Repeated		**History**	0%
Multiplier		**Quick Fix**	0%
Calculated Penalty	$16,550.00	**Proposed Penalty**	$16,550.00
Proposed Penalty Justification			

Abatement Details

# Days to Abate	45 calendar days	**Abatement Status**	
Abatement Due Date		**Date Abated**	
Abatement Documentation Required?	Yes	**Date Verified**	
Abatement Completed Description			

Multi-Step Abatement

Type/Other Type	# Days to Abate	Abatement Due Date	Completed (Status)	Verify Date

Employee Exposure

Violation Instance	# Exposed to Instance	Employer	Name and Address Telephone Numbers	Job Title	Duration / Frequency	Proximity

(b) (7)(C)

(b) (7)(C)

All 33 PETN area employees have continuous exposure to the PSM hazards associated with PETN production, the tank farm and Acid Recovery

Worksheet Details

A) **Hazards-Operation/Condition-Accident**: hazards associated with catastrophic release of Nitric Acid and potential NOx oxides, PETN/DiPEHN decomposition hazards and explosion hazards associated with PETN (pentaerythritol tetranitrate) and DiPEHN (dierythritol hexanitrate) /**Failure to perform a Process Hazard Analysis (PHA) update and revalidation to address hazards, controls and changes to operations for the excess nitric acid storage tank (TA-520).**

The company performed two PHAs that addressed the excess nitric acid storage tank – one in 2014 and one in 2017. The 2014 PHA was performed, as required, prior to the plant startup. The company performed another PHA in 2017 shortly after the 2016 startup of operations.

Since the 2017 PHA, the company has performed two PHA revalidations. However, neither of those revalidations covered the excess nitric storage tank.

The Acid Recovery process was revalidated in the Sphera Solutions January 2022 (report date) PHA. This PHA did not address tank 520.

A 2019 Revalidation was performed for the PETN manufacturing process. This PHA did not address tank 520.

B) **Equipment**: excess nitric acid storage tank TA-520

C) **Location**: Tank Farm

D) **Injury/Illness (and Justifications for Severity and Probability)**: see above

E) **Measurements**:

F) **Employer Knowledge**: The company demonstrated knowledge for the need to perform PHAs involving the storage tank through two PHAs (2014 and 2017) that addressed tank operation hazards.

The company demonstrated knowledge that PHAs require updates and revalidations through the performance of the 2022 Sphera PHA revalidation for the Acid Recover process and the 2019 revalidation of the PETN manufacturing process.

G) **Comments**:

H) **Other Employer Information**:

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

Violation Worksheet

Print Date: 11/18/2025

	Inspection Number	1830436	
	Opt. Insp. Number		

Establishment Name	Austin Powder Holding Company				
DBA Name	Austin Powder Company				
Type Of Violation	Serious	**Citation Number**	1	**Item/Group**	6/ a
Standard	1910.119(f)(1)(i)(C)				
Alleged Violation Description	29 CFR 1910.119(f)(1): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements. 29 CFR 1910.119(f)(1)(i): Steps for each operating phase: 29 CFR 1910.119(f)(1)(i)(C): Temporary operations; a. On or about May 29, 2025, the employer failed to develop and implement a temporary operations phase operating procedure for the PETN (pentaerythritol tetranitrate) manufacturing operation. For the May 29-30 production campaign, PETN production was run without a temporary operations phase operating procedure when the Acid Recovery process was not available. b. On or about June 11, 2025, the employer failed to develop and implement a temporary operations phase operating procedure for excess nitric acid storage tank (TA-520). The employer failed to develop and implement a temporary operations phase operating procedure for storage tank when the PETN production process and Acid Recovery process were not operating and functioning in normal operations phases for the covered process(es). During normal operations, the PETN process excess nitric acid flows into the tank and the PETN containing material in the tank is processed downstream by Acid Recovery process equipment.				
Recommended Abatement Action					

# Instances	2	**# Exposed**	33
Special Enforcement Type		**Related Event Code (REC)**	Referral
General Duty Key Words		**Employer's Relation to Hazard**	
Photo/Video Number		**Substance Codes**	1860-Nitric Acid

Penalty

Severity	High

Severity Justification	Death and/or permanently disabling injury are reasonably predictable outcomes from a catastrophic release of nitric acid or sulfuric acid from the covered process or from an energetic event from the explosive PETN.		
Probability	Greater		
Probability Justification	A large-scale release did occur.		
Gravity	High	**Size**	0%
Gravity based Penalty	$16,550.00	**Good Faith**	0%
# Times Repeated		**History**	0%
Multiplier		**Quick Fix**	0%
Calculated Penalty	$16,550.00	**Proposed Penalty**	$16,550.00
Proposed Penalty Justification			

Abatement Details

# Days to Abate	45 calendar days	**Abatement Status**	
Abatement Due Date		**Date Abated**	
Abatement Documentation Required?	Yes	**Date Verified**	
Abatement Completed Description			

Multi-Step Abatement

Type/Other Type	# Days to Abate	Abatement Due Date	Completed (Status)	Verify Date

Employee Exposure

Violation Instance	# Exposed to Instance	Employer	Name and Address Telephone Numbers	Job Title	Duration / Frequency	Proximity

(b) (7)(C)

(b) (7)(C)

All 33 PETN area employees have continuous exposure to the PSM hazards associated with PETN production, the tank farm and Acid Recovery

Worksheet Details

A) **Hazards-Operation/Condition-Accident**: hazards associated with catastrophic release of Nitric/Sulfuric Acids, explosion hazards associated with PETN (pentaerythritol tetranitrate) /**Failure to develop and implement Temporary Operations phase operating procedures for PETN manufacturing operation and for the TA-520 excess nitric acid storage tank.**

The employer failed to develop and implement Temporary Operations phase operating procedures for covered processes. The PETN manufacturing process includes explosive material PETN and Potential (b)(4) were manufactured during the May 29-30 production run without a Temporary Operations phase operating procedure. The operation of tank TA-520 was operated from April 29 through the June 11 date of the release from the vessel (that triggered this inspection) without Temporary Operations phase operating procedures. The tank contains PETN produced in the PETN manufacturing operation and receives PETN in the excess nitric acid stream from the vacuum filter process equipment via the receiver.

Both the PETN manufacturing process and the operation of the TA-520 storage tank are covered processes due to the presence of explosive material.

Instance a. – During normal PETN manufacturing operations occur, Acid Recovery process equipment is available to process chemical streams generated by the manufacturing of PETN. These streams generated by manufacturing include the excess nitric acid stream and the waste acid stream. Both these streams include PETN that is processed by the Acid Recovery process. When the Acid Recovery process was not available, the PETN produced made additional risk by adding unprocessed materials into the tanks storing the streams from the PETN manufacturing operations.

On April 29, 2025, PETN and Acid Recovery operations were stopped when the Acid Recovery process column suffered a failure that resulted in significant damage. An upper component suffered failure then fell to the bottom of the column. Bottom sections of the column suffered catastrophic damage and the parts necessary for repair weeks "out" for delivery.

The company had halted operations with stock material "loaded" in the process and eventually ran production to use the PE (pentaerythritol) rather than disposing of stock materials. All management personnel were aware of the production run and that the Acid Recovery process was down. The company did not develop and implement a Temporary Operations procedure. Additionally, an MOC was not performed for the change in running PETN operations without Acid Recovery processing ability (a compliant MOC would have generated the need for Temporary Operations phase operating procedure development under the MOC operating procedures modification requirement).

Instance b. – As noted above, the excess nitric acid storage tank continued to operate following the April 29 loss of the Acid Recovery process. On that date, a column equipment failure resulted in catastrophic damage and the inability to perform a quick repair. The column was not repaired quickly as customized parts needed to be manufactured for the significant damage. Parts were not received until approximately the week of July 4th.

The employer failed to develop and implement a Temporary Operations procedure for the tank. Due to the inability to process the tank contents in the Acid Recovery process (normally processed through the Decomposer which destroys PETN prior to sending the acid to the NAC/SAC Acid Recovery column) the company monitoring of temperature was critical to safe operations. The company did not implement a temporary operations procedure to monitor temperature or to have operational steps to address temperature increase in the tank.

Temperature increase occurred in the tank and from the production campaign in late May until the date of the release event the temperature went unaddressed by potential system controls of chilled water supply or recirculation of tank contents to prevent precipitation of PETN to the tank bottom.

The employer's tank farm operating procedures included an operational step for temporary operations that simply stated "Potential (b)(4)

B) **Equipment**: PETN Manufacturing process equipment including the vacuum filter, receiver and associated pumps, TA-520 tank for storing excess nitric acid

C) **Location**: a. PETN building, b. Tank Farm

D) **Injury/Illness (and Justifications for Severity and Probability)**: see above

E) **Measurements**:

F) **Employer Knowledge**: The employer demonstrates knowledge of the need to develop and implement operating procedures within their written program (see attached). Section 5.1.1.3 specifically identified that

Austin Powder will develop Temporary Operations operating procedures

The entire management team of the PETN manufacturing area (Chris Wakefield, Site Manager, Caleb Orton, PETN Plant manager, Renee Catalano, PETN Assistant Plant Manager and Dan Clemons, PETN Plant maintenance supervisor) were aware of the PETN content in the excess nitric acid storage tank, that the NAC/SAC Acid Recovery column was damaged/shut down the process and that a short production run/campaign occurred May 29-30. These same managers were aware that the excess nitric acid storage tank TA-520 was being operated without the ability to process the acid, destroy the PETN and that the PETN production run produced more material to be stored that would not be processed.

The Tank Farm operating procedure for the excess nitric acid tank recognized the hazard for operating the tank during a prolonged shutdown by requiring the tank to be emptied. This emptying of the tank did not occur.

The written program for MOCs required review of operating procedures and safety/health review. Steps 5.2.1.6 through 5.2.1.8 of the written program requires the review of operating procedures by the originator or in consultation with the area manager "Potential (b)(4) ." Step 5.2.2.6 of the written program requires health and safety review by appropriate personnel.

G) **Comments**:

H) **Other Employer Information**:

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

Violation Worksheet

Print Date: 11/18/2025

		Inspection Number	1830436
		Opt. Insp. Number	

Establishment Name	Austin Powder Holding Company				
DBA Name	Austin Powder Company				
Type Of Violation	Serious	**Citation Number**	1	**Item/Group**	6/ b
Standard	1910.119(f)(1)(i)(F)				
Alleged Violation Description	29 CFR 1910.119(f)(1): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements. 29 CFR 1910.119(f)(1)(i): Steps for each operating phase: 29 CFR 1910.119(f)(1)(i)(F): Normal shutdown; a. On or about June 11, 2025, the employer failed to implement and did not follow the operational steps for the normal shutdown procedure for the excess nitric acid storage tank, TA-520 found in the company document, Acid Tank Farm/Acid Unloading Operating Procedures, LP-PETN-003, PETN Production Acid Tank Farm, revision no. 5 dated March 12, 2018. Section 11 of the document is the normal shutdown and the employer failed to implement the procedure when the tank was not emptied for a prolonged shutdown as required to perform in operational step 11.2.4 of the procedure.				
Recommended Abatement Action					

# Instances	1	**# Exposed**	33
Special Enforcement Type		**Related Event Code (REC)**	Referral
General Duty Key Words		**Employer's Relation to Hazard**	
Photo/Video Number		**Substance Codes**	1860-Nitric Acid

Penalty

Severity	High
Severity Justification	Death and/or permanently disabling injury are reasonably predictable outcomes from a catastrophic release of nitric acid or sulfuric acid from the covered process or from an energetic event from the explosive PETN.
Probability	Greater
Probability Justification	A large-scale release did occur. Eliminating materials from the tank would have prevented a release from TA-520.

Gravity	High	**Size**	0%
Gravity based Penalty	$16,550.00	**Good Faith**	0%
# Times Repeated		**History**	0%
Multiplier		**Quick Fix**	0%
Calculated Penalty	$0.00	**Proposed Penalty**	$0.00
Proposed Penalty Justification			

Abatement Details

# Days to Abate	45 calendar days	**Abatement Status**	
Abatement Due Date		**Date Abated**	
Abatement Documentation Required?	Yes	**Date Verified**	
Abatement Completed Description			

Multi-Step Abatement

Type/Other Type	# Days to Abate	Abatement Due Date	Completed (Status)	Verify Date

Employee Exposure

Violation Instance	# Exposed to Instance	Employer	Name and Address Telephone Numbers	Job Title	Duration / Frequency	Proximity

(b) (7)(C)

(b) (7)(C)

All 33 PETN area employees have continuous exposure to the PSM hazards associated with PETN production, the tank farm and Acid Recovery

Worksheet Details

A) **Hazards-Operation/Condition-Accident**: hazards associated with catastrophic release of Nitric/Sulfuric Acids, explosion hazards associated with PETN (pentaerythritol tetranitrate) /**Failure to implement normal shutdown phase operating procedures for a prolonged shutdown for the TA-520 excess nitric acid storage tank.**

The company has a Tank Farm operations operating procedure document that includes a normal shutdown during prolong shutdown for the TA-520 storage tank. The company did not implement the procedure in that it did not empty the tank for the prolonged shutdown of both production operations in the PETN process and for Acid Recovery of the tank contents (due to the damaged NAC/SAC column used to process the excess nitric acid contents). The prolonged shutdown of the Acid Recovery process included the shutdown of processing tank 520 contents.

The Acid Recovery process shutdown occurred on April 29th and approximately 6 weeks later, on June 11th a release occurred in the excess nitric acid storage tank. The tank had not been emptied or had not had contents removed to a 15% level in the tank.

The company did run a brief campaign of PETN manufacturing during the period the Acid Recovery process was in the prolonged shutdown Otherwise, the PETN manufacturing was also in a prolonged shutdown. OSHA

was told this was the most prolonged shutdown of these operations in the approximate 10-11 years of operations.

In addition, to not emptying the tank or emptying contents to the 15% level, the employer did not perform a management of change when the operating procedure was not followed and a temporary operations phase operating procedure (for running the tank during the prolonged Acid Recovery shutdown) was not developed/implemented for the tank operations. The procedure document, LP – PETN – 003, contains the normal shutdown procedure requiring emptying tank TA-520 during prolonged shutdown also contains operating limits in table Section 6 Operating Limits. The company did not empty the tank to the operating limit of 15% until after the June 11 release from the tank.

B) **Equipment**: excess nitric acid storage tank (TA-520), PETN production equipment, ENA feed tank, Decomposer, Decomposer heater, NAC/SAC column (the damaged Acid Recovery process column)

C) **Location**: Tank Farm location of the excess nitric acid tank

D) **Injury/Illness (and Justifications for Severity and Probability)**: see above

E) **Measurements**:

F) **Employer Knowledge**: The employer demonstrates knowledge of the need to develop and implement operating procedures within their written program (see attached). Section 5.1.1.6 specifically identified that Austin Powder will develop normal shutdown phase operating procedures

The entire management team of the PETN manufacturing area (Chris Wakefield, Site Manager, Caleb Orton, PETN Plant manager, Renee Catalano, PETN Assistant Plant Manager and Dan Clemons, PETN Plant maintenance supervisor) were aware of the PETN content in the excess nitric acid storage tank, that the NAC/SAC Acid Recovery column was damaged/shut down the process and that a short production run/campaign occurred May 29-30. These same managers were aware that the excess nitric acid storage tank TA-520 was being operated without the ability to process the acid, destroy the PETN and that the PETN production run produced more material to be stored that would not be processed.

Chris Wakefield was aware of the 15% Operating Limit that Austin Powder didn't empty the tank because of concern for PETN content drying inside the tank. NOTE: emptying the tank to this level did not occur.

The company PHA details that this tank will be emptied every 7 days and for shutdowns.

G) **Comments**:

H) **Other Employer Information**:

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

Violation Worksheet

Print Date: 11/18/2025

Inspection Number	1830436
Opt. Insp. Number	

Establishment Name	Austin Powder Holding Company				
DBA Name	Austin Powder Company				
Type Of Violation	Serious	**Citation Number**	1	**Item/Group**	7/ a
Standard	1910.119(l)(1)				
Alleged Violation Description	29 CFR 1910.119(l): Management of change. 29 CFR 1910.119(l)(1): The employer shall establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process. a. On or about May 29, 2025, the employer failed to implement a management of change procedure for the PETN (pentaerythritol tetranitrate) manufacturing operations when critical process equipment, the Acid Recovery column, was damaged and inoperable. The company did not perform and implement a management of change procedure for the May 29, 2025, production run that was completed on May 30, 2025, without the availability of the Acid Recovery process (aka the Plinke process) and related equipment that was shut down due to damaged equipment. Acid Recovery operations include processing chemical streams generated by PETN manufacturing operations including excess nitric acid that contains PETN. Acid Recovery process operations can include handling nitric acid generated from the excess nitric acid storage tank conservation vent (PVRV 520) and processing of PETN contents in excess nitric acid to remove explosive PETN from the acid by thermal decomposition in Acid Recovery process equipment (Decomposer, vessel VP-311). b. On or about June 11, 2025, the employer failed to implement a management of change procedure for operating the excess nitric acid tank, TA-520, without the availability of the Acid Recovery process (aka the Plinke process) due to the damaged Acid Recovery column. The company did not perform and implement a management of change procedure for the tank when production was shut down, tank contents were not removed and Acid Recovery process operations were not available, such as but not limited to PETN removal from excess nitric acid through thermal decomposition in vessel VP-311, the decomposer. c. On or about June 11, 2025, the employer failed to implement a management of change procedure for operating the excess nitric acid tank, TA-520, when control room access and functional availability of process monitoring was impacted by maintenance operations involving epoxy-based recoating of control room floors.				
Recommended Abatement Action					

# Instances	3	**# Exposed**	33
Special Enforcement Type		**Related Event Code (REC)**	Referral
General Duty Key Words		**Employer's Relation to Hazard**	
Photo/Video Number		**Substance Codes**	1860 Nitric Acid

Penalty

Severity	High		
Severity Justification	Death and/or permanently disabling injury are reasonably predictable outcomes from a catastrophic release of nitric acid or sulfuric acid from the covered process or from an energetic event from the explosive PETN.		
Probability	Greater		
Probability Justification	A large-scale release did occur.		
Gravity	High	**Size**	0%
Gravity based Penalty	$16,550.00	**Good Faith**	0%
# Times Repeated		**History**	0%
Multiplier		**Quick Fix**	0%
Calculated Penalty	$16,550.00	**Proposed Penalty**	$16,550.00
Proposed Penalty Justification			

Abatement Details

# Days to Abate	45 calendar days	**Abatement Status**	
Abatement Due Date		**Date Abated**	
Abatement Documentation Required?	Yes	**Date Verified**	
Abatement Completed Description			

Multi-Step Abatement

Type/Other Type	# Days to Abate	Abatement Due Date	Completed (Status)	Verify Date

Employee Exposure

Violation Instance	# Exposed to Instance	Employer	Name and Address Telephone Numbers	Job Title	Duration / Frequency	Proximity

(b) (7)(C)

(b) (7)(C)

All 33 PETN area employees have continuous exposure to the PSM hazards associated with PETN production, the tank farm and Acid Recovery

Worksheet Details

A) **Hazards-Operation/Condition-Accident**: hazards associated with catastrophic release of Nitric/Sulfuric Acids, explosion hazards associated with PETN (pentaerythritol tetranitrate) /**Failure to implement and perform management of change procedures**

Instance a. The employer failed to implement and perform a management of change procedure (MOC) for the May 29-30 production campaign (production run) when the Acid Recovery process was shutdown. By not performing an MOC, the company did not address safety and health impact for running additional production when equipment would not be available to process PETN containing excess nitric acid that is generated when manufacturing the PETN. This resulted in additional explosive PETN being put into the excess nitric acid storage tank.

On April 29, 2025, PETN and Acid Recovery operations were stopped when the Acid Recovery process column suffered a failure that resulted in significant damage. An upper component suffered failure then fell to the bottom of the column. Bottom sections of the column suffered catastrophic damage and the parts necessary for repair weeks "out" for delivery.

The company had halted operations with stock material "loaded" in the process. The process involves solid pentaerythritol Potential (b)(4) reacting directly with Potential (b)(4) nitric acid. The pentaerythritol (PE) used to make the material would have to be disposed, unless it was determined that it could be used. The company analyzed if they could run production using the PE that was already loaded. They told OSHA that they considered if it was safe to run in general conversations but there was no consideration of the process safety management requirements made for documenting a management of change procedure. OSHA's document request (see attached) went unanswered, i.e. the company did not provide an MOC.

The company decided to run production to use the previously loaded PE material and eventually made Potential (b)(4) PETN. The company had done feed tests before running. They performed flow tests to make sure feeding occurred smoothly and accurately (quantity/amount fed). On May 29th, the production was run. An employee working the shift when the process was started up on that date stated that "once we got it running it ran good" but then described vacuum filter "flooding" during start-up that can lead to PETN carryover through the vacuum removing excess nitric acid. Excess nitric acid removed from the PETN manufacturing process is sent and stored in tank TA-520.

The contents of the tank are heat sensitive. The company has an alarm for temperature monitoring of the tank. The tank had been in an alarm status on the day of the production run (see attached – temperature data for tank) and up until the day of the release. After the event, the alarms were found to be silenced, i.e. responded to and "turned off" but running in the background. From the May 29 production run until the day prior to the release, the temperature increased. On June 10th, the temperature increase rate accelerated and the temperature rose 15 degrees/°F. Early on the morning of June 11th, the temperature began spiking and accelerated rapidly until the release occurred shortly after 8:00 a.m.

Safety and health impacts not considered by MOC for running PETN production without the Acid Recovery process include:

- Excess Nitric Acid tank (TA-520) contents not getting processed through thermal after production stops and the lack of "mixing" processes once production stops.; this results in stagnant tank contents which increases the risk of PETN consolidation in the bottom of the tank. Consolidation of PETN increases decomposition reaction hazards and increases potential frictional/shock hazards when consolidated.
- The conservation vent for the tank (PVRV 520 – see attached P&ID) is designed to send tank "vapor" to an acid vent header then the ABS compressor which processes (by compressing vapor to liquid) the tank release material before sending it to the Acid Recovery column. This process stream is unable to operate as designed when the Acid Recovery process is shutdown. The conservation vent cannot "process" and regulate pressure when temperature rises in the tank – once the headspace in the tank exceeds the conservation vent set point Potential (b)(4) The compressor is not "on" and would only be moving compressed liquid to an open column (due to the damage).

By not performing an MOC, modifications to operating procedures were not considered. The operating procedures for PETN for temporary operations did not exist and creation of a temporary operating procedure did not occur. Additionally, modifications for operating procedures for the excess nitric acid storage tank were not considered. The operating procedures for tank TA-520 for temporary operations did not exist and creation of a temporary operating procedure did not occur. As stated above, running PETN production without the ability to process PETN containing excess nitric acid increases PETN related hazards in tank TA-520 by increasing the amount of explosive material in the tank and allowing the tank contents to become stagnant, i.e. without action for mixing to prevent material consolidation through settling.

Instance b. The employer failed to implement and perform a management of change procedure (MOC) for the operation of the excess nitric acid storage tank when Acid Recovery process equipment was damaged and shutdown. Safety and health impacts noted in instance a. exists for the excess nitric acid tank (TA-520) both prior to the May 29-30 production run (following the April 29 shutdown of the Acid Recovery process) and after the production run. A notable safety and health impact for continued operation applicable to the tank is tank temperature. In theory, operators can monitor the temperature. However, procedurally this is not specified by an operating procedure for TA-520 normal operations. None of the normal operations phase operating procedures for PETN, the tank farm (which includes other procedures for TA-520), and Acid Recovery contain an operational step to monitor temperature in the excess nitric acid tank.

A temporary operations procedure did not exist for the tank. The tank farm procedure (Acid Tank Farm/Acid Unloading Operating Procedures, LP – PETN – 003, PETN Production Acid Tank Farm) included operating procedures for the excess nitric acid tank but did not include normal operation phase procedural steps for the tank (see attached.) The temporary operation phase operating procedure section 10, found on pg. 34 simply states "Potential (b)(4) There is no reference to the temperature alarm or operational steps/instructions for employees to monitor temperature in the document.

The tank farm operating procedures included a step in normal shutdown has a subsection for "prolonged shutdown" and instructs the operator to empty the tank. Operating limits for tank TA-520 have the limit for maintaining the tank at least 15% full. The company did not empty the tank or empty the tank to the 15% level prior to the release event.

The PHA that covered excess nitric acid claims a control that the tank will be (emptied once per week as part of the plant operations and at any shut down). As stated above this did not occur.

Increased temperature can be a factor in PETN decomposition reaction (which is exothermic in nature, i.e. heat generating) and heated nitric acid can generate NOx gas. The company announcement to the public included that the release involved NOx (nitric oxide) in the cloud.

Employees interviewed about MOC did not recall "Renee" having them sign off on any MOCs during the shutdown.

Instance c. The employer failed to implement an MOC and did not perform the management of change in accordance with company procedure. As noted above, regarding TA-520 contents heat/increasing temperature is a safety and health concern with the tank contents.

The employer did not perform this MOC (or other MOCs in instance a. and b.) and the safety/health impact for the inability or impact on control room access limitations was not considered by an MOC. The lack of a temporary operations phase procedure for the excess nitric acid tank was not addressed (as would an MOC consider for operating procedures modifications).

Not addressing the safety and health impact of temperature monitoring by an MOC was plainly a factor in the catastrophic release from the process.

On the date of the release, one employee was assigned to work in the PETN area known as the MCC room. (b)(7)(C) and b(7)(D)

As noted above, during this shift the temperature was spiking

B) **Equipment**: excess nitric acid storage tank (TA-520), PETN production equipment, ENA feed tank, Decomposer, Decomposer heater, acid tank farm vent header, ABS Compressor, NAC/SAC column (the damaged Acid Recovery process column)

C) **Location**: PETN building control room and MCC room, Tank Farm

D) **Injury/Illness (and Justifications for Severity and Probability)**: see above

E) **Measurements**:

F) **Employer Knowledge**: The employer demonstrates knowledge of the need to perform management of change procedures with their written program (see attached).

The entire management team of the PETN manufacturing area (Chris Wakefield, Site Manager, Caleb Orton, PETN Plant manager, Renee Catalano, PETN Assistant Plant Manager and Dan Clemons, PETN Plant maintenance supervisor) were aware of the PETN content in the excess nitric acid storage tank, that the NAC/SAC Acid Recovery column was damaged/shut down the process and that a short production run/campaign occurred May 29-30.

Renee Catalano had discussed MOCs with employees when Austin Powder performed PETN area procedures.

The written program stated that MOCs are "Potential (b)(4)

Steps 5.2.1.6 through 5.2.1.8 of the written program requires the review of operating procedures by the originator or in consultation with the area manager "Potential (b)(4)

Step 5.2.2.6 of the written program requires health and safety review by appropriate personnel.

Appendix A of the company written Management of Change program document includes step by step instructions for use of the company form, expected reviewer and individual responsibilities for each step in the process including safety and health impact related Hazards Analysis using a company form.

Caleb Orton, PETN Plant Manager was the author of a revision to the company MOC written program document.

G) **Comments**:

H) **Other Employer Information**: The employer's Acid Recovery operating procedures document recognizes the PETN content in excess nitric acid in quality control requirements as 0.5 wt% (see LP-PETN-002, Acid Recovery Operating Procedures, p.31 attached)

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

Violation Worksheet

Print Date: 11/18/2025

Inspection Number	1830436
Opt. Insp. Number	

Establishment Name	Austin Powder Holding Company				
DBA Name	Austin Powder Company				
Type Of Violation	Serious	**Citation Number**	1	**Item/Group**	7/ b
Standard	1910.119(l)(2)(ii)				
Alleged Violation Description	29 CFR 1910.119(l): Management of change. 29 CFR 1910.119(l)(2): The procedures shall assure that the following considerations are addressed prior to any change: 29 CFR 1910.119(l)(2)(ii): Impact of change on safety and health; a. On or about May 29, 2025, the employer failed to implement a management of change procedure that addressed the safety and health impacts for running PETN (pentaerythritol tetranitrate) process manufacturing operations when the Acid Recovery process was shut down due to damaged and inoperable equipment. PETN manufacturing operations generate excess nitric acid which contains PETN, an explosive material, are stored in storage tank TA-520 and is processed in Acid Recovery process equipment to decompose the explosive material. The safety and health impacts for the changes were not considered by a management of change, including but not limited to the impact of increasing PETN content in the stored excess nitric acid without the ability to process the material. b. On or about June 11, 2025, the employer failed to implement a management of change procedure that addressed the safety and health impacts for operating the excess nitric acid storage tank, TA-520, during a shutdown of manufacturing operations without the availability of Acid Recovery process due to shut down from damaged and inoperable equipment. Storage tank TA-520 contents include PETN (pentaerythritol tetranitrate), an explosive material that is subject to potential decomposition hazards that were not considered by a management of change procedure. c. On or about June 11, 2025, the employer failed to implement a management of change procedure that addressed the safety and health impacts for tank TA-520 temperature monitoring interruption due to control room access disruption in the PETN building from maintenance activities. Storage tank TA-520 contents include nitric acid which can thermally decompose to generate toxic/corrosive vapor and PETN (pentaerythritol tetranitrate), an explosive material that is subject to potential decomposition hazards that were not considered by a management of change procedure.				
Recommended Abatement Action					

# Instances		**# Exposed**	
Special Enforcement Type		**Related Event Code (REC)**	Referral
General Duty Key Words		**Employer's Relation to Hazard**	
Photo/Video Number		**Substance Codes**	1860-Nitric Acid

Penalty

Severity	High		
Severity Justification	Death and/or permanently disabling injury are reasonably predictable outcomes from a catastrophic release of nitric acid or sulfuric acid from the covered process or from an energetic event from the explosive PETN.		
Probability	Greater		
Probability Justification	A large-scale release did occur.		
Gravity	High	**Size**	0%
Gravity based Penalty	$16,550.00	**Good Faith**	0%
# Times Repeated		**History**	0%
Multiplier		**Quick Fix**	0%
Calculated Penalty	$0.00	**Proposed Penalty**	$0.00
Proposed Penalty Justification			

Abatement Details

# Days to Abate	45 calendar days	**Abatement Status**	
Abatement Due Date		**Date Abated**	
Abatement Documentation Required?		**Date Verified**	
Abatement Completed Description			

Multi-Step Abatement

Type/Other Type	# Days to Abate	Abatement Due Date	Completed (Status)	Verify Date

Employee Exposure

Violation Instance	# Exposed to Instance	Employer	Name and Address Telephone Numbers	Job Title	Duration / Frequency	Proximity

(b) (7)(C)

(b) (7)(C)

All 33 PETN area employees have continuous exposure to the PSM hazards associated with PETN production, the tank farm and Acid Recovery

Worksheet Details

A) **Hazards-Operation/Condition-Accident**: hazards associated with catastrophic release of Nitric/Sulfuric Acids, explosion hazards associated with PETN (pentaerythritol tetranitrate) /**Failure to address safety and health impact when process equipment and facility changes did not go through company management of change procedures**

Instance a. The employer failed to address safety and health impact for running PETN production when Acid Recovery equipment failed, was taken out of service and was not available to service PETN in excess nitric acid contents. The company did not implement and perform a management of change procedure (MOC) for the May 29-30 production campaign (production run) when the Acid Recovery process was shutdown. By not performing an MOC, the company did not address safety and health impact for running additional production when equipment would not be available to process PETN containing excess nitric acid that is generated when manufacturing the PETN. This resulted in additional explosive PETN being put into the excess nitric acid storage tank.

On April 29, 2025, PETN and Acid Recovery operations were stopped when the Acid Recovery process column suffered a failure that resulted in significant damage. An upper component suffered failure then fell to the bottom of the column. Bottom sections of the column suffered catastrophic damage and the parts necessary for repair weeks "out" for delivery.

The company had halted operations with stock material "loaded" in the process. The process involves solid pentaerythritol Potential (b)(4) reacting directly with Potential (b)(4) nitric acid. The pentaerythritol (PE) used to make the material would have to be disposed, unless it was determined that it could be used. The company analyzed if they could run production using the PE that was already loaded. They told OSHA that they considered if it was safe to run in general conversations but there was no consideration of the process safety management requirements made for documenting a management of change procedure. OSHA's document request (see attached) went unanswered, i.e. the company did not provide an MOC.

The company decided to run production to use the previously loaded PE material and eventually made Potential (b)(4) PETN. The company had done feed tests before running. They performed flow tests to make sure feeding occurred smoothly and accurately (quantity/amount fed). On May 29th, the production was run. An employee working the shift when the process was started up on that date stated that "once we got it running it ran good" but then described vacuum filter "flooding" during start-up that can lead to PETN carryover through the vacuum removing excess nitric acid. Excess nitric acid removed from the PETN manufacturing process is sent and stored in tank TA-520.

The contents of the tank are heat sensitive. The company has an alarm for temperature monitoring of the tank. The tank had been in an alarm status on the day of the production run (see attached – temperature data for tank) and up until the day of the release. After the event, the alarms were found to be silenced, i.e. responded to and "turned off" but running in the background. From the May 29th production run until the day prior to the release, the temperature increased. On June 10th, the temperature increase rate accelerated and the temperature rose 15 degrees/°F. Early on the morning of June 11th, the temperature began spiking and accelerated rapidly until the release occurred shortly after 8:00 a.m.

Safety and health impacts not considered by MOC for running PETN production without the Acid Recovery process include:

- Excess Nitric Acid tank (TA-520) contents not getting processed through thermal after production stops and the lack of "mixing" processes once production stops.; this results in stagnant tank contents which increases the risk of PETN consolidation in the bottom of the tank. Consolidation of PETN increases decomposition reaction hazards and increases potential frictional/shock hazards when consolidated.
- The conservation vent for the tank (PVRV 520 – see attached P&ID) is designed to send tank "vapor" to an acid vent header then the ABS compressor which processes (by compressing vapor to liquid) the tank release material before sending it to the Acid Recovery column. This process stream is unable to operate as designed when the Acid Recovery process is shutdown. The conservation vent cannot "process" and regulate pressure when temperature rises in the tank – once the headspace in the tank exceeds the

conservation vent set point Potential (b)(4) The compressor is not "on" and would only be moving compressed liquid to an open column (due to the damage).

Instance b. The employer failed to implement and perform a management of change procedure (MOC) for the operation of the excess nitric acid storage tank when Acid Recovery process equipment was damaged and shutdown. Safety and health impacts noted in instance a. exists for the excess nitric acid tank (TA-520) both prior to the May 29-30 production run (following the April 29 shutdown of the Acid Recovery process) and after the production run. A notable safety and health impact for continued operation applicable to the tank is tank temperature. In theory, operators can monitor the temperature. However, procedurally this is not specified by an operating procedure for TA-520 normal operations. None of the normal operations phase operating procedures for PETN, the tank farm (which includes other procedures for TA-520) and Acid Recovery contain an operational step to monitor temperature in the excess nitric acid tank.

The company is aware of the hazards associated with the heating of or increased temperatures of TA-520 contents but did not discuss them with employees, perform an MOC to address this impact on safety and health and did not internally emphasize monitoring the temperatures with existing instrumentation that could easily be monitored (if using the correct control room operating system "screen.") The temperature alarm was "silenced" (b)(7)(C) and b(7)(D)

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The company did not address the impact of the excess nitric acid tank contents sitting stagnant and contents not being processed (or emptied as according to the normal shutdown procedure) by thermal decomposition due to the Acid Recovery process shutdown.

The tank farm operating procedures included a step in normal shutdown has a subsection for "prolonged shutdown" and instructs the operator to empty the tank. Operating limits for tank TA-520 have the limit for maintaining the tank at least 15% full. The company did not empty the tank or empty the tank to the 15% level prior to the release event.

The PHA that covered excess nitric acid claims a control that the tank will be (emptied once per week as part of the plant operations and at any shut down). As stated above this did not occur.

Increased temperature can be a factor in PETN decomposition reaction (which is exothermic in nature, i.e. heat generating) and heated nitric acid can generate NOx gas. The company announcement to the public included that the release involved NOx (nitric oxide) in the cloud.

Employees interviewed about MOC did not recall "Renee" having them sign off on any MOCs during the shutdown.

Instance c. The PETN control room was shutdown for maintenance and the employer did not address the safety impact (the inability to monitor temperature through instrumentation and alarm) in an MOC. The employer failed to address the safety and health impact of control room maintenance impacting use of the PETN control room and did not implement an MOC or perform the management of change in accordance with company procedure to address the safety and health impact of this change. As noted above, regarding TA-520 contents heat/increasing temperature is a safety and health concern with the tank contents.

The employer did not perform this MOC (or other MOCs in instance a. and b.) and the safety/health impact for the inability or impact on control room access limitations was not considered by an MOC. The lack of a temporary operations phase procedure for the excess nitric acid tank was not addressed (as would an MOC consider for operating procedures modifications).

Not addressing the safety and health impact of temperature monitoring by an MOC was considered a factor in the catastrophic release from the process.

On the date of the release, one employee was assigned to work in the PETN area known as the MCC room. (b)(7)(C) and b(7)(D)

As noted above, during this shift the temperature was spiking

B) **Equipment**: excess nitric acid storage tank (TA-520), PETN production equipment, ENA feed tank, Decomposer, Decomposer heater, acid tank farm vent header, ABS Compressor, NAC/SAC column (the damaged Acid Recovery process column)

C) **Location**: PETN building control room and MCC room, Tank Farm

D) **Injury/Illness (and Justifications for Severity and Probability)**: see above

E) **Measurements**:

F) **Employer Knowledge**: The employer demonstrates knowledge of the need to perform management of change procedures with their written program (see attached).

The entire management team of the PETN manufacturing area (Chris Wakefield, Site Manager, Caleb Orton, PETN Plant manager, Renee Catalano, PETN Assistant Plant Manager and Dan Clemons, PETN Plant maintenance supervisor) were aware of the PETN content in the excess nitric acid storage tank, that the NAC/SAC Acid Recovery column was damaged/shut down the process and that a short production run/campaign occurred May 29-30.

Renee Catalano had discussed MOCs with employees when Austin Powder performed PETN area procedures for other issues.

The written program stated that MOCs are "Potential (b)(4)

Step 5.2.2.6 of the written program requires health and safety review by appropriate personnel.

Appendix A of the company written Management of Change program document includes step by step instructions for use of the company form, expected reviewer and individual responsibilities for each step in the process including safety and health impact related Hazards Analysis using a company form.

Caleb Orton, PETN Plant Manager was the author of a revision to the company MOC written program document.

G) **Comments**:

H) **Other Employer Information**: The employer's Acid Recovery operating procedures document recognizes the PETN content in excess nitric acid in quality control requirements as 0.5 wt% (see LP-PETN-002, Acid Recovery Operating Procedures, p.31 attached)

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

Violation Worksheet

Print Date: 11/18/2025

Inspection Number	1830436
Opt. Insp. Number	

Establishment Name	Austin Powder Holding Company				
DBA Name	Austin Powder Company				
Type Of Violation	Serious	**Citation Number**	1	**Item/Group**	7/ c
Standard	1910.119(l)(2)(iii)				
Alleged Violation Description	29 CFR 1910.119(l): Management of change. 29 CFR 1910.119(l)(2): The procedures shall assure that the following considerations are addressed prior to any change: 29 CFR 1910.119(l)(2)(iii): Modifications to operating procedures; a. On or about May 29, 2025, the employer failed to implement a management of change procedure that addressed modifications to operating procedures for PETN (pentaerythritol tetranitrate) manufacturing operations when critical process equipment, the Acid Recovery column, was damaged and inoperable. During normal operations for PETN manufacturing, the Acid Recovery process is used to process materials generated from the manufacturing process, such as but not limited to excess nitric acid which contains PETN. The employer failed to address operating procedure modifications in a management of change procedure to address developing and implementing operating procedures for temporary operations phase PETN manufacturing. b. On or about June 11, 2025, the employer failed to implement a management of change procedure that addressed modifications to operating procedures for operating the excess nitric acid storage tank, TA-520, when the tank contents were not emptied and the Acid Recovery process was shut down due to damaged and inoperable equipment. During normal operations of the excess nitric acid storage tank, Acid Recovery process equipment is used to process storage tank TA-520 contents and remove PETN (pentaerythritol tetranitrate) through thermal decomposition. The employer failed to address operating procedure modifications in a management of change procedure to address developing and implementing operating procedures for temporary operations phase excess nitric acid tank operation. c. On or about June 11, 2025, the employer failed to implement a management of change procedure that addressed modifications to operating procedures for operating the excess nitric acid storage tank, TA-520, when access to the PETN control room was disrupted due to maintenance activities. The employer failed to address operating procedure modifications in a management of change procedure to address developing and implementing operating procedures for temporary operations phase excess nitric acid tank operation that included temperature monitoring of the tank.				

Recommended Abatement Action			
# Instances	3	**# Exposed**	33
Special Enforcement Type		**Related Event Code (REC)**	Referral
General Duty Key Words		**Employer's Relation to Hazard**	
Photo/Video Number		**Substance Codes**	1860-Nitric Acid

Penalty

Severity	High		
Severity Justification	Death and/or permanently disabling injury are reasonably predictable outcomes from a catastrophic release of nitric acid or sulfuric acid from the covered process or from an energetic event from the explosive PETN.		
Probability	Greater		
Probability Justification	A large-scale release did occur.		
Gravity	High	**Size**	0%
Gravity based Penalty	$16,550.00	**Good Faith**	0%
# Times Repeated		**History**	0%
Multiplier		**Quick Fix**	0%
Calculated Penalty	$0.00	**Proposed Penalty**	$0.00
Proposed Penalty Justification			

Abatement Details

# Days to Abate	45 calendar days	**Abatement Status**	
Abatement Due Date		**Date Abated**	
Abatement Documentation Required?		**Date Verified**	
Abatement Completed Description			

Multi-Step Abatement

Type/Other Type	# Days to Abate	Abatement Due Date	Completed (Status)	Verify Date

Employee Exposure

Violation Instance	# Exposed to Instance	Employer	Name and Address Telephone Numbers	Job Title	Duration / Frequency	Proximity

(b)(7)(C)

(b)(7)(C)

All 33 PETN area employees have continuous exposure to the PSM hazards associated with PETN production,

the tank farm and Acid Recovery

Worksheet Details

A) **Hazards-Operation/Condition-Accident**: hazards associated with catastrophic release of Nitric/Sulfuric Acids, explosion hazards associated with PETN (pentaerythritol tetranitrate) /**Failure to consider modifications to operating procedures when changes to process equipment and facility changes did not go through Austin Powder management of change procedures**

Instance a. The company failed to address modifications to operating procedures, such as the need for a temporary operations operating procedure for running PETN production when Acid Recovery equipment failed, was taken out of service and was not available to service PETN in excess nitric acid tank contents. The employer failed to implement and perform a management of change procedure (MOC) for the May 29-30 production campaign (production run) when the Acid Recovery process was shutdown. By not performing an MOC, the company did not address safety and health impact for running additional production when equipment would not be available to process PETN containing excess nitric acid that is generated when manufacturing the PETN. This resulted in additional explosive PETN being put into the excess nitric acid storage tank. These safety and health impacts need consideration for modifications to or as modifications of operating procedures.

On April 29, 2025, PETN and Acid Recovery operations were stopped when the Acid Recovery process column suffered a failure that resulted in significant damage. An upper component suffered failure then fell to the bottom of the column. Bottom sections of the column suffered catastrophic damage and the parts necessary for repair weeks "out" for delivery.

The company had halted operations with stock material "loaded" in the process. The process involves solid pentaerythritol Potential (b)(4) reacting directly with Potential (b)(4) nitric acid. The pentaerythritol (PE) used to make the material would have to be disposed, unless it was determined that it could be used. The company analyzed if they could run production using the PE that was already loaded. They told OSHA that they considered if it was safe to run in general conversations but there was no consideration of the process safety management requirements made for documenting a management of change procedure. OSHA's document request (see attached) went unanswered, i.e. the company did not provide an MOC.

The company decided to run production to use the previously loaded PE material and eventually made Potential (b)(4) PETN. The company had done feed tests before running. They performed flow tests to make sure feeding occurred smoothly and accurately (quantity/amount fed). On May 29th, the production was run. An employee working the shift when the process was started up on that date stated that "once we got it running it ran good" but then described vacuum filter "flooding" during start-up that can lead to PETN carryover through the vacuum removing excess nitric acid. Excess nitric acid removed from the PETN manufacturing process is sent and stored in tank TA-520.

The contents of the tank are heat sensitive. The company has an alarm for temperature monitoring of the tank. The tank had been in an alarm status on the day of the production run (see attached – temperature data for tank) and up until the day of the release. After the event, the alarms were found to be silenced, i.e. responded to and "turned off" but running in the background. From the May 29th production run until the day prior to the release, the temperature increased. On June 10th, the temperature increase rate accelerated and the temperature rose 15 degrees/°F. Early on the morning of June 11th, the temperature began spiking and accelerated rapidly until the release occurred shortly after 8:00 a.m.

Safety and health impacts present issues for consideration in modifying operating procedures. Safety and health impacts not considered by MOC for running PETN production without the Acid Recovery process include:

- Excess Nitric Acid tank (TA-520) contents not getting processed through thermal after production stops and the lack of "mixing" processes once production stops.; this results in stagnant tank contents which increases the risk of PETN consolidation in the bottom of the tank. Consolidation of PETN increases decomposition reaction hazards and increases potential frictional/shock hazards when consolidated.
- The conservation vent for the tank (PVRV 520 – see attached P&ID) is designed to send tank "vapor" to

an acid vent header then the ABS compressor which processes (by compressing vapor to liquid) the tank release material before sending it to the Acid Recovery column. This process stream is unable to operate as designed when the Acid Recovery process is shutdown. The conservation vent cannot "process" and regulate pressure when temperature rises in the tank – once the headspace in the tank exceeds the conservation vent set point Potential (b)(4) The compressor is not "on" and would only be moving compressed liquid to an open column (due to the damage).

- The company had sparging lines in the tank at the time of the event. They have since been "blanked" according to Chris Wakefield, McArthur facility manager

By not performing an MOC, modifications to operating procedures were not considered. The operating procedures for PETN for temporary operations did not exist and creation of a temporary operating procedure did not occur. Additionally, modifications for operating procedures for the excess nitric acid storage tank were not considered. The operating procedures for tank TA-520 for temporary operations did not exist and creation of a temporary operating procedure did not occur. As stated above, running PETN production without the ability to process PETN containing excess nitric acid increases PETN related hazards in tank TA-520 by increasing the amount of explosive material in the tank and allowing the tank contents to become stagnant, i.e. without action for mixing to prevent material consolidation through settling.

Instance b. The employer failed to implement and perform a management of change procedure (MOC) for the operation of the excess nitric acid storage tank when Acid Recovery process equipment was damaged and shutdown. Safety and health impacts noted in instance a. exists for the excess nitric acid tank (TA-520) both prior to the May 29-30 production run (following the April 29 shutdown of the Acid Recovery process) and after the production run. A notable safety and health impact for continued operation applicable to the tank is tank temperature. In theory, operators can monitor the temperature. However, procedurally this is not specified by an operating procedure for TA-520 normal operations. None of the normal operations phase operating procedures for PETN, the tank farm (which includes other procedures for TA-520) and Acid Recovery contain an operational step to monitor temperature in the excess nitric acid tank.

A temporary operations procedure did not exist for the tank. The tank farm procedure (Acid Tank Farm/Acid Unloading Operating Procedures, LP – PETN – 003, PETN Production Acid Tank Farm) included operating procedures for the excess nitric acid tank but did not include normal operation phase procedural steps for the tank (see attached.) The temporary operation phase operating procedure section 10, found on pg. 34 simply states Potential (b)(4) There is no reference to the temperature alarm or operational steps/instructions for employees to monitor temperature in the document.

The tank farm operating procedures included a step in normal shutdown has a subsection for "prolonged shutdown" and instructs the operator to empty the tank. Operating limits for tank TA-520 have the limit for maintaining the tank at least 15% full. The company did not empty the tank or empty the tank to the 15% level prior to the release event.

The PHA that covered excess nitric acid claims a control that the tank will be (emptied once per week as part of the plant operations and at any shut down). As stated above this did not occur.

Increased temperature can be a factor in PETN decomposition reaction (which is exothermic in nature, i.e. heat generating) and heated nitric acid can generate NOx gas. The company announcement to the public included that the release involved NOx (nitric oxide) in the cloud.

Employees interviewed about MOC did not recall "Renee" having them sign off on any MOCs during the shutdown.

Instance c. The employer failed to implement an MOC and did not perform the management of change in accordance with company procedure. As noted above, regarding TA-520 contents heat/increasing temperature is a safety and health concern with the tank contents.

The employer did not perform this MOC (or other MOCs in instance a. and b.) and the safety/health impact for the inability or impact on control room access limitations was not considered by an MOC. The lack of a temporary operations phase procedure for the excess nitric acid tank was not addressed (as would an MOC consider for operating procedures modifications).

Not addressing the safety and health impact of temperature monitoring and not including modifying an operating procedure or developing a temporary operations phase operating procedure during the implementation of an MOC was plainly a factor in the catastrophic release from the process.

On the date of the release, one employee was assigned to work in the PETN area known as the MCC room. (b)(7)(C) and b(7)(D)

As noted above, during this shift the temperature was spiking

B) **Equipment**: excess nitric acid storage tank (TA-520), PETN production equipment, ENA feed tank, Decomposer, Decomposer heater, acid tank farm vent header, ABS Compressor, NAC/SAC column (the damaged Acid Recovery process column)

C) **Location**: PETN building control room and MCC room, Tank Farm

D) **Injury/Illness (and Justifications for Severity and Probability)**: see above

E) **Measurements**:

F) **Employer Knowledge**: The employer demonstrates knowledge of the need to perform management of change procedures with their written program (see attached).

The entire management team of the PETN manufacturing area (Chris Wakefield, Site Manager, Caleb Orton, PETN Plant manager, Renee Catalano, PETN Assistant Plant Manager and Dan Clemons, PETN Plant maintenance supervisor) were aware of the PETN content in the excess nitric acid storage tank, that the NAC/SAC Acid Recovery column was damaged/shut down the process and that a short production run/campaign occurred May 29-30.

Renee Catalano had discussed MOCs with employees when Austin Powder performed PETN area MOC procedures.

The written program stated that MOCs are "Potential (b)(4)

Steps 5.2.1.6 through 5.2.1.8 of the written program requires the review of operating procedures by the originator or in consultation with the area manager "Potential (b)(4)

Potential (b)(4)”

Appendix A of the company written Management of Change program document includes step by step instructions for use of the company form, expected reviewer and individual responsibilities for each step in the process including safety and health impact related Hazards Analysis using a company form.

Caleb Orton, PETN Plant Manager was the author of a revision to the company MOC written program document.

The company Tank Farm operating procedure demonstrates knowledge of the need to consider circumstances that would need a temporary operations phase operating procedure. As noted above, the temporary operation phase operating procedure section 10, found on pg. 34 simply states “Potential (b)(4)

.

G) **Comments**:

H) **Other Employer Information**: The employer’s Acid Recovery operating procedures document recognizes the PETN content in excess nitric acid in quality control requirements as 0.5 wt% (see LP-PETN-002, Acid Recovery Operating Procedures, p.31 attached)

U. S. Department of Labor Occupational Safety and Health Administration
200 N. High Street Room 620
Columbus, OH 43215
Phone: (614) 469-5582

November 25, 2025

Dear Employer,

On June 11, 2025, an OSHA compliance officer met with you or your representative as part of an inspection at 32000 Powder Plant Road, Mc Arthur, OH 45651. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options on the next page and complete the associated steps **within 15 working days.** Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

Sean M. Kennedy, Acting Area Director

Your Citation Summary

Austin Powder Holding Company Inspection Number: 1830436

Total Amount Due: $101,669.00

Payment Due Date: 15 working days after receipt of this letter

You must correct each violation listed in the Citation and Notification of Penalty. Please see the violations and correction deadline for each violation starting on page 5.

Choose a Response Option and *Act within 15 working days*

- Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates.
- Please choose one option on the next page and complete the steps. You can use the checklist to help plan your next steps. Please do not send in your checklist.
- Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest.

The OSHA Publication "Employer Rights and Responsibilities Following an OSHA Inspection", is available by scanning the QR code with your smartphone or barcode scanner to be directed to the OSHA website, or click on/type in the link(s) below directly into your browser:
English: https://www.osha.gov/sites/default/files/publications/osha3000.pdf
Spanish: https://www.osha.gov/sites/default/files/publications/osha3195.pdf

English OSHA 3000 Rev 2018

Spanish OSHA 3000 Rev 2019

Complete One Option on the Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:

1. Call Columbus Area Office, at (614) 469-5582 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.**** ___ / ___

2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting. ___ / ___

Option #2 – Correct Violations and Pay Penalty

I will complete by:

1. Upon correction of violations, complete the abatement form found in your citation package. You must submit by mail, the completed "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) and mail to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency receives the documents is the date of submission.** NOTE: Upon request, the Area Office may provide you with an email address to which you can send your abatement certification and documentation if you prefer to do so. ___ / ___

2. Pay the **Total Penalty** Online following the instructions below: ****You will be prompted to enter your Inspection Number which is included in the Citation Summary on the first page.**** ___ / ___

Pay.gov - OSHA Payments

To Pay Online: Scan the QR code to the left with your smartphone or barcode scanner to be directed to the pay.gov website. You may also go to the pay.gov website by clicking on the link just below the QR code. Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over $25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

If you are unable to pay electronically or have additional questions, please contact our office at (614) 469-5582.

Option #3 – Contest the Citation

I will complete by:

I do not agree with the citations, penalties, and/or correction deadlines and would like to contest. Mail a letter of intent to legally contest to 200 N. High Street Room 620 Columbus, OH 43215, postmarked within **15 working days.**

___ / ___

OSHA On-Site Consultation Program

The Occupational Safety and Health Administration's (OSHA) On-Site Consultation Program offers no-cost and confidential occupational safety and health services to small and medium-sized businesses.

Scan the QR code below with your smartphone or barcode scanner to be directed to the OSHA's Consultation Program webpage. You may also go directly to the webpage by clicking on the link just below the QR code.

On-Site Consultation | Occupational Safety and Health Administration

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215

Citation and Notification of Penalty

To:
Austin Powder Holding Company, dba Austin Powder Company
and its successors
32000 Powder Plant Road
Mc Arthur, OH 45651

Inspection Site:
32000 Powder Plant Road
Mc Arthur, OH 45651

7021 0350 0001 6892 1951

Inspection Number: 1830436
Inspection Date(s): 06/11/2025 - 11/24/2025
Issuance Date: 11/25/2025

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (614) 469-5582. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your payment online at www.pay.gov. At the top of the pay.gov homepage, type "**OSHA**" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334

You will be required to enter your inspection number which is included in the Citation Summary on the first page. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of $25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

If you are unable to pay electronically or have additional questions, please contact our office at (614) 469-5582.

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

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

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

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 11/25/2025. The conference will be held by telephone or at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1830436

Company Name: Austin Powder Holding Company, dba Austin Powder Company
Inspection Site: 32000 Powder Plant Road, Mc Arthur, OH 45651
Issuance Date: 11/25/2025

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 200 N. High Street, Room 620, Columbus, OH 43215.**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

_____ _____
Signature Date

_____ _____
Typed or Printed Name Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review.

Citation and Notification of Penalty

Company Name: Austin Powder Holding Company, dba Austin Powder Company
Inspection Site: 32000 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.119(d)(2)(i): Process Safety Information. Information concerning the technology of the process shall include at least the following:

29 CFR 1910.119(d)(2)(i)(B): Process chemistry;

a. On or about June 11, 2025, the employer failed to compile and maintain process safety information for excess nitric acid storage tank TA-520 process chemistry related to tank contents that include PETN (pentaerythritol tetranitrate) and nitric acid. Process chemistry for storage tank TA-520 includes reaction chemistry, such as, but not limited to PETN decomposition reaction.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	December 31, 2025
Proposed Penalty:	$11,823.00

Citation and Notification of Penalty

Company Name: Austin Powder Holding Company, dba Austin Powder Company
Inspection Site: 32000 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.119(d)(2)(i): Process Safety Information. Information concerning the technology of the process shall include at least the following:

29 CFR 1910.119(d)(2)(i)(E): An evaluation of the consequences of deviations, including those affecting the safety and health of employees.

a. On or about June 11, 2025, the employer failed to compile and maintain process safety information for the excess nitric acid storage tank (TA-520) consequences of deviations including temperature deviations, such as consequences for exceeding the temperature alarm set point for the tank.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: December 31, 2025
Proposed Penalty: $11,823.00

Citation and Notification of Penalty

Company Name: Austin Powder Holding Company, dba Austin Powder Company
Inspection Site: 32000 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.119(e)(3): Process hazard analysis. The process hazard analysis shall address:

29 CFR 1910.119(e)(3)(i): The hazards of the process;

a. On or about June 11, 2025, the employer's process hazard analysis (PHA) did not address the hazards of the process, in that high concentration of PETN (pentaerythritol tetranitrate) and/or DiPEHN (dipentaerythritol hexanitrate) in the excess nitric acid storage tank was not addressed for hazards of accumulation and decomposition reaction for these explosive materials. The employer performed an initial HazOp methodology based PHA finalized in December 2014 and another HazOp methodology based PHA finalized in January 2017 addressing the tank in both PHAs as Node S2. None of the 16 line items in the 2017 PHA S2 Node or the 16 line items in the 2014 PHA S2 Node addressed hazards associated with a high concentration or high levels of explosive material in the tank contents, such as with a "deviation" for high concentration for the explosive materials in the S2 Node that addressed excess nitric acid storage tank TA-520.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 15, 2026
Proposed Penalty:	$11,823.00

Citation and Notification of Penalty

Company Name: Austin Powder Holding Company, dba Austin Powder Company
Inspection Site: 32000 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.119(e)(3): Process hazard analysis. The process hazard analysis shall address:

29 CFR 1910.119(e)(3)(iii): Engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases. (Acceptable detection methods might include process monitoring and control instrumentation with alarms, and detection hardware such as hydrocarbon sensors.);

a. On or about June 11, 2025, the employer's process hazard analysis (PHA) failed to consider a means of safeguarding chilled water flow into tank TA-520, the excess nitric acid storage tank. Chilled water can be used to control temperature by flowing through the vessel "jacket." The employer performed an initial HazOp methodology-based PHA finalized in December 2014 and another HazOp methodology-based PHA finalized in January 2017 addressing the tank in both PHAs as Node S2. None of the 16 line items in the 2017 PHA S2 Node or the 16 line items in the 2014 PHA S2 Node addressed a means of safeguarding chilled water flow into tank TA-520.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 15, 2026
Proposed Penalty:	$16,550.00

Citation and Notification of Penalty

Company Name: Austin Powder Holding Company, dba Austin Powder Company
Inspection Site: 32000 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.119(e)(6): At least every five (5) years after the completion of the initial process hazard analysis, the process hazard analysis shall be updated and revalidated by a team meeting the requirements in paragraph (e)(4) of this section, to assure that the process hazard analysis is consistent with the current process.

a. On or about June 11, 2025, the employer failed to perform a process hazard analysis (PHA) revalidation and update that covered the excess nitric acid storage tank (TA-520) operations within the five (5) year completion schedule required by this part. The employer performed and finalized the most recent PHA that addressed the tank in January 2017 and has not performed another PHA revalidation that addressed the tank since that time. Due to the lack of an updated and revalidated PHA for TA-520 operations, process hazards such as increased concentration of explosive materials in the tank, safeguards for chilled water supply to the jacket, and changes such as but not limited to elimination of sparger line use in the tank are unaddressed and not considered by the hazard analysis process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 15, 2026
Proposed Penalty: $16,550.00

Citation and Notification of Penalty

Company Name: Austin Powder Holding Company, dba Austin Powder Company
Inspection Site: 32000 Powder Plant Road, Mc Arthur, OH 45651

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

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

29 CFR 1910.119(f)(1): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements.

29 CFR 1910.119(f)(1)(i): Steps for each operating phase:

29 CFR 1910.119(f)(1)(i)(C): Temporary operations;

a. On or about May 29, 2025, the employer failed to develop and implement a temporary operations phase operating procedure for the PETN (pentaerythritol tetranitrate) manufacturing operation. For the May 29-30 production campaign, PETN production was run without a temporary operations phase operating procedure when the Acid Recovery process was not available.

b. On or about June 11, 2025, the employer failed to develop and implement a temporary operations phase operating procedure for excess nitric acid storage tank (TA-520). The employer failed to develop and implement a temporary operations phase operating procedure for storage tank when the PETN production process and Acid Recovery process were not operating and functioning in normal operations phases for the covered process(es). During normal operations, the PETN process excess nitric acid flows into the tank and the PETN containing material in the tank is processed downstream by Acid Recovery process equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 15, 2026
Proposed Penalty: $16,550.00

Citation and Notification of Penalty

Company Name: Austin Powder Holding Company, dba Austin Powder Company
Inspection Site: 32000 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.119(f)(1): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements.

29 CFR 1910.119(f)(1)(i): Steps for each operating phase:

29 CFR 1910.119(f)(1)(i)(F): Normal shutdown;

a. On or about June 11, 2025, the employer failed to implement and did not follow the operational steps for the normal shutdown procedure for the excess nitric acid storage tank, TA-520 found in the company document, Acid Tank Farm/Acid Unloading Operating Procedures, LP-PETN-003, PETN Production Acid Tank Farm, revision no. 5 dated March 12, 2018. Section 11 of the document is the normal shutdown and the employer failed to implement the procedure when the tank was not emptied for a prolonged shutdown as required to perform in operational step 11.2.4 of the procedure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 15, 2026
Proposed Penalty: $0.00

Citation and Notification of Penalty

Company Name: Austin Powder Holding Company, dba Austin Powder Company
Inspection Site: 32000 Powder Plant Road, Mc Arthur, OH 45651

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

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

29 CFR 1910.119(l): Management of change.

29 CFR 1910.119(l)(1): The employer shall establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process.

a. On or about May 29, 2025, the employer failed to implement a management of change procedure for the PETN (pentaerythritol tetranitrate) manufacturing operations when critical process equipment, the Acid Recovery column, was damaged and inoperable. The company did not perform and implement a management of change procedure for the May 29, 2025, production run that was completed on May 30, 2025, without the availability of the Acid Recovery process (aka the Plinke process) and related equipment that was shut down due to damaged equipment. Acid Recovery operations include processing chemical streams generated by PETN manufacturing operations including excess nitric acid that contains PETN. Acid Recovery process operations can include handling nitric acid generated from the excess nitric acid storage tank conservation vent (PVRV 520) and processing of PETN contents in excess nitric acid to remove explosive PETN from the acid by thermal decomposition in Acid Recovery process equipment (Decomposer, vessel VP-311).

b. On or about June 11, 2025, the employer failed to implement a management of change procedure for operating the excess nitric acid tank, TA-520, without the availability of the Acid Recovery process (aka the Plinke process) due to the damaged Acid Recovery column. The company did not perform and implement a management of change procedure for the tank when production was shut down, tank contents were not removed and Acid Recovery process operations were not available, such as but not limited to PETN removal from excess nitric acid through thermal decomposition in vessel VP-311, the decomposer.

c. On or about June 11, 2025, the employer failed to implement a management of change procedure for operating the excess nitric acid tank, TA-520, when control room access and functional availability of process monitoring was impacted by maintenance operations involving epoxy-based recoating of control room floors.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 15, 2026
Proposed Penalty:	$16,550.00

Citation and Notification of Penalty

Company Name: Austin Powder Holding Company, dba Austin Powder Company
Inspection Site: 32000 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.119(l): Management of change.

29 CFR 1910.112(l)(2): The procedures shall assure that the following considerations are addressed prior to any change:

29 CFR 1910.119(l)(2)(ii): Impact of change on safety and health;

a. On or about May 29, 2025, the employer failed to implement a management of change procedure that addressed the safety and health impacts for running PETN (pentaerythritol tetranitrate) process manufacturing operations when the Acid Recovery process was shut down due to damaged and inoperable equipment. PETN manufacturing operations generate excess nitric acid which contains PETN, an explosive material, are stored in storage tank TA-520 and is processed in Acid Recovery process equipment to decompose the explosive material. The safety and health impacts for the changes were not considered by a management of change, including but not limited to the impact of increasing PETN content in the stored excess nitric acid without the ability to process the material.

b. On or about June 11, 2025, the employer failed to implement a management of change procedure that addressed the safety and health impacts for operating the excess nitric acid storage tank, TA-520, during a shut down of manufacturing operations without the availability of Acid Recovery process due to shutdown from damaged and inoperable equipment. Storage tank TA-520 contents include PETN (pentaerythritol tetranitrate), an explosive material that is subject to potential decomposition hazards that were not considered by a management of change procedure.

c. On or about June 11, 2025, the employer failed to implement a management of change procedure that addressed the safety and health impacts for tank TA-520 temperature monitoring interruption due to control room access disruption in the PETN building from maintenance activities. Storage tank TA-520 contents include nitric acid which can thermally decompose to generate toxic/corrosive vapor and PETN (pentaerythritol tetranitrate), an explosive material that is subject to potential decomposition hazards that were not considered by a management of change procedure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 15, 2026
Proposed Penalty:	$0.00

Citation and Notification of Penalty

Company Name: Austin Powder Holding Company, dba Austin Powder Company
Inspection Site: 32000 Powder Plant Road, Mc Arthur, OH 45651

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

29 CFR 1910.119(l): Management of change.

29 CFR 1910.119(l)(2): The procedures shall assure that the following considerations are addressed prior to any change:

29 CFR 1910.119(l)(2)(iii): Modifications to operating procedures;

a. On or about May 29, 2025, the employer failed to implement a management of change procedure that addressed modifications to operating procedures for PETN (pentaerythritol tetranitrate) manufacturing operations when critical process equipment, the Acid Recovery column, was damaged and inoperable. During normal operations for PETN manufacturing, the Acid Recovery process is used to process materials generated from the manufacturing process, such as but not limited to excess nitric acid which contains PETN. The employer failed to address operating procedure modifications in a management of change procedure to address developing and implementing operating procedures for temporary operations phase PETN manufacturing.

b. On or about June 11, 2025, the employer failed to implement a management of change procedure that addressed modifications to operating procedures for operating the excess nitric acid storage tank, TA-520, when the tank contents were not emptied and the Acid Recovery process was shut down due to damaged and inoperable equipment. During normal operations of the excess nitric acid storage tank, Acid Recovery process equipment is used to process storage tank TA-520 contents and remove PETN (pentaerythritol tetranitrate) through thermal decomposition. The employer failed to address operating procedure modifications in a management of change procedure to address developing and implementing operating procedures for temporary operations phase excess nitric acid tank operation.

c. On or about June 11, 2025, the employer failed to implement a management of change procedure that addressed modifications to operating procedures for operating the excess nitric acid storage tank, TA-520, when access to the PETN control room was disrupted due to maintenance activities. The employer failed to address operating procedure modifications in a management of change procedure to address developing and implementing operating procedures for temporary operations phase excess nitric acid tank operation that included temperature monitoring of the tank.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 15, 2026
Proposed Penalty: $0.00

Sean M. Kennedy
Acting Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215

INVOICE / DEBT COLLECTION NOTICE

Company Name: Austin Powder Holding Company, dba Austin Powder Company
Inspection Site: 32000 Powder Plant Road, Mc Arthur, OH 45651
Issuance Date: 11/25/2025

Summary of Penalties for Inspection Number: 1830436

Citation 1 Item 1, Serious	$11,823.00
Citation 1 Item 2, Serious	$11,823.00
Citation 1 Item 3, Serious	$11,823.00
Citation 1 Item 4, Serious	$16,550.00
Citation 1 Item 5, Serious	$16,550.00
Citation 1 Item 6a, Serious	$16,550.00
Citation 1 Item 6b, Serious	$0.00
Citation 1 Item 7a, Serious	$16,550.00
Citation 1 Item 7b, Serious	$0.00
Citation 1 Item 7c, Serious	$0.00
TOTAL PROPOSED PENALTIES:	**$101,669.00**

To avoid additional charges, please remit payment promptly for the total amount of the uncontested penalties summarized above. Make your payment online at www.pay.gov. At the top of the pay.gov homepage, type "**OSHA**" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334.

You will be prompted to enter your inspection number which is included in the Citation Summary on the first page. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of $25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

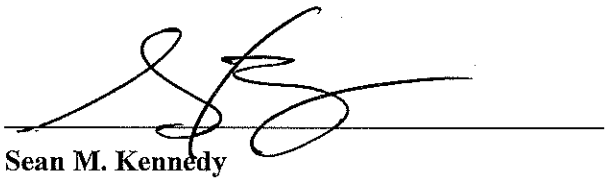
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

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

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



11/25/2025

Sean M. Kennedy Date

Acting Area Director

U.S. Department of Labor

Occupational Safety and Health Administration
Columbus Area Office
200 North High Street, Room 620
Columbus, Ohio 43215

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

In the Matter of: Austin Powder Company

OSHA No. (s): 1830436

INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties, which were issued on November 25, 2025, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citations or as amended below and to provide this office with verification of abatement in accordance with 29 CFR 1903.19. All abatement documentation and petitions of modification of abatement shall be sent to Alison McGrath via email at OSHAColumbus@dol.gov.

2. The Employer agrees to pay the total penalty of **$50,835.00 in accordance with the payment plan below**. If the penalty is not paid under the terms of this agreement, the original total proposed penalty will become due and payable immediately plus any administrative fees, interest, and penalties incurred thereafter.

Payment Due Date	Payment Amount
January 30, 2026	$6,354.38
April 30, 2026	$6,354.38
July 30, 2026	$6,354.38
October 30, 2026	$6,354.38
January 29, 2027	$6,354.37
April 30, 2027	$6,354.37
July 30, 2027	$6,354.37
October 29, 2027	$6,354.37

See Attachment A for payment instructions. Payment(s) shall be made electronically at: www.pay.gov

This is your notification of payment due. No other statement or bill will be sent.

3. The Employer and OSHA agree that the following citations and penalties, if any, are being amended as shown. Citations and penalties not referenced below remain unchanged:

Citation #	Item #	
1	1	Reclassified to Other-than-Serious, grouped with 1-2. Penalty remains $10,000.
1	2	Reclassified to Other-than-Serious, grouped with 1-1. Penalty reduced to $0.
1	3	Affirmed as Serious, grouped with 1-4. Penalty reduced to $10,000.
1	4	Affirmed as Serious, grouped with 1-3. Penalty reduced to $0.
1	5	Affirmed. Penalty reduced to $10,000.
1	6a	1-6a and 1-6b ungrouped, 6a vacated.
1	6b	Affirmed as Serious. 1-6a and 1-6b ungrouped, renumbered as 1-6. Penalty reduced to $10,000.
1	7a	1-7a, 1-7b and 1-7c ungrouped. 1-7b and 1-7c vacated, 1-7a renumbered to 1-7. Penalty reduced to $10,835. Language amended as follows, instance b and c deleted: a. On or about June 11, 2025, the employer failed to implement a management of change procedure for operating the excess nitric acid tank, TA-520, when the normal shutdown procedure for the tank, contained in the company document, Acid Tank Farm/Acid Unloading Operating Procedures, LP-PETN-003, PETN Production Acid Tank Farm, revision no. 5 dated March 12, 2018, was not followed. The company did not perform and implement a management of change procedure for the tank when the tank was not emptied for a prolonged shutdown as required in operational step 11.2.4 of the operating procedure.
1	7b	7a, 7b and 7c ungrouped. 7b and 7c vacated.
1	7c	7a, 7b and 7c ungrouped. 7b and 7c vacated.

- **Total Penalty Reduction of 50%**
- **Abatement extended for all citations to January 30, 2026.**

ENHANCEMENT(S):
Exculpatory Language: Except for these proceedings, and matters arising out of these proceedings, and any other subsequent OSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by Respondent shall be deemed an admission by the Respondent of the allegations contained within the Citation and Notification of Penalty and the Complaint. The agreements, statements, findings, and actions taken herein are made for the purpose of compromising and settling this matter amicably, and they shall not be used for any other purpose whatsoever, except as herein stated.
Third-Party Consultant Training Requirement: The employer agrees to engage a qualified third-party consultant to develop and conduct training on Management of Change to include detailed training for when procedures must be initiated and detailed training of how to perform procedures. The consultant will conduct training for PETN area staff including process engineers, management officials with PSM responsibilities, management officials with operational responsibilities and other personnel such as key maintenance and control room hourly personnel. The employer shall provide documentation of the consultant's engagement and completion of training to OSHA within 90 days of this agreement.
Third-Party Consultation Requirement: The employer has already procured a third-party consultation to conduct a whole site audit to ensure PSM compliance going forward. The employer agrees to provide documentation of the consultation's completion to OSHA within 90 days of the completion of the audit, which will consist of a certification by the consultant of the scope of the audit performed and the date completed.

4. The employer and OSHA agree to amend the establishment name from Austin Powder Holding Company DBA Austin Powder Company to the legal establishment name Austin Powder Company.

5. The Employer, by signing this agreement, hereby waives its rights to contest the above citation(s) and penalties, as referenced in paragraph 3 of this Agreement.

6. Each party agrees to bear its own fees and expenses incurred in connection with any stage of this proceeding.

7. The Employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in paragraph 3 above. This Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and Federal Holidays), whichever is longer.

8. The Employer agrees to continue to comply with the applicable provisions of the Occupational Safety and Health Act of 1970, and the applicable safety and health standards promulgated to the Act.

For

For the Occupational Safety and Health Administration

Alison McGrath
Acting Area Director

12/22/2025
Date

Austin Powder Company

Paul Eagar
President US Manufacturing

12/22/2025
Date

NOTICE TO EMPLOYEES

The law gives you or your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest to the abatement dates of the citations amended in paragraph 3 of this Settlement Agreement must be mailed to the U. S. Department of Labor Area office at:

U.S. Department of Labor-OSHA
200 North High Street, Room 620
Columbus, Ohio 43215
Phone: (614) 469-5582
Fax: (614) 469-6791

within 15 working days (excluding weekends and Federal Holidays) of the receipt by the Employer of this Settlement Agreement. you or your representative also have the right to object to any of the abatement dates set for in violations which were not amended, provided that the objection is mailed to the office shown above within the 15 working day period established by the original citation.

Attachment A
Payment Instruction Addendum

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties. Please indicate OSHA's Inspection Number on the remittance. You can make your payment electronically on www.pay.gov by searching for the public forms by form name – **OSHA Penalty Payment Form.**

The direct link is
https://www.pay.gov/forms/formInstance.html?agencyFormId=53090334.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of $50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If you have additional questions, please contact our office at 614-469-5582.