

## Citation and Notification of Penalty

**To:**  
Northrop Grumman Systems Corporation  
and its successors  
5000 S 8400 W  
Magna, UT 84044

**Inspection Number:** 1648558  
**Inspection Date (s):** 01/31/2023-01/31/2023  
**Issuance Date:** 07/19/2023

**Inspection Site:**  
5000 S 8400 W  
Magna, UT 84044

*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.*

### EMPLOYER MUST COMPLY WITH THE FOLLOWING CITATION REQUIREMENTS

This Citation and Notification of Penalty (Citation) contains important information about employers' and employees' rights and responsibilities. The Citation describes alleged violation(s) of the Utah Occupational Safety and Health Act of 1973 (the Act). This violation(s) described in this Citation is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description of each violation. You must abate the violation(s) referenced in this Citation by the dates listed. The proposed penalty(ies) is (are) due within 30 calendar days of receipt of this Citation, unless formally contested or payment arrangements are made with the Utah Division of Occupational Safety and Health (UOSH). You have the right to contest this Citation. For more information please refer to the "Right to Contest" section of this Citation. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred, unless this Citation becomes a final order as provided by Utah Code Annotated (UCA) §34A-6-303(1)(b).

### REQUIREMENT TO POST THE CITATION

The Utah Administrative Code (UAC) R614-1-7.Q.1 requires that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if 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 three working days (excluding weekends and holidays), whichever is longer.

### REQUIREMENT TO FILE A CERTIFICATION OF ABATEMENT

Notification of Corrective Action – For each violation which you do not formally contest, you must notify UOSH in writing, within **5 calendar days** of the abatement date indicated on the Citation, of the date(s) and corrective action(s) taken. For **Willful, Repeat, Failure to Abate**, and **Serious** violations and any **significant event** for which UOSH indicates, documents demonstrating that abatement is complete must accompany the certification (for example: photos, copies of receipts, training records, etc.). Where the Citation is classified as **Other-than-Serious**, and the Citation states that abatement documentation is required, documents such as those described above are required to be submitted along with abatement certification. If the Citation indicates the violation was corrected during the inspection, no certification of abatement is required for that item.

**All abatement verification documents must contain the following information:** 1) Establishment name and site address; 2) the inspection number 1648558; 3) the Citation and Citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the printed name and signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

You must complete, sign, and submit the Certification of Abatement and any additional documentation to UOSH at the following address:

**Utah Occupational Safety and Health  
Attention: Compliance Section  
160 East 300 South, 3rd floor  
P.O. Box 146650  
Salt Lake City, UT 84114-6650**

As per UAC R614-1-7.8, the employer must inform affected employees and their representative(s) about abatement activities covered by this section by posting a copy of each document submitted to the Agency or a summary of the document near the place where the violation occurred.

### **PAYMENT OF PENALTY**

You must pay the penalty(ies) on the "Notification of Assessed Penalty" within 30 calendar days from the receipt of this Citation, unless you inform the Utah Labor Commission Adjudication Division (Adjudication Division) in writing that you intend to contest the Citation. If you do not contest within 30 calendar days after receipt, the Citation will become the final order of the Utah Labor Commission and may not be reviewed by any court or agency.

Please make your check or money order payable to "Utah Occupational Safety and Health". Indicate the inspection number 1648558 on the remittance. UOSH does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

### **FOLLOW-UP INSPECTIONS**

A follow-up inspection may be conducted to verify that you have posted the Citation as required and/or corrected the violation(s). You have the continuing responsibility to comply with the Act. Any new violation(s) discovered during a follow-up inspection will be cited. In order to achieve abatement by the date set forth in the Citation(s), abatement efforts must be promptly initiated. Providing false information on your efforts to abate is punishable under UCA §34A-6-307(5)(c).

### **EMPLOYER RETALIATION AGAINST WORKERS IS UNLAWFUL**

The law prohibits discrimination/retaliation by an employer against an employee for filing a complaint or for exercising any rights under the Act. An employee who believes that he/she has been discriminated against may file a complaint with UOSH and with the U.S. Department of Labor Region VIII Office no later than 30 days after the discrimination occurred.

### **TYPES OF VIOLATIONS**

**WILLFUL** – A violation where either: 1) The employer committed an intentional and knowing violation of the Act; or, 2) though the employer was not intentionally violating the Act, he or she was aware that hazardous condition(s) existed and acted in careless disregard of employer responsibilities under the Act.

**SERIOUS** – A violation from a condition, practice, method, operation, or process in the workplace of which the employer knows or should know through the exercise of reasonable diligence; and there is a substantial possibility that the condition, practice, method, operation, or process could result in death or serious physical harm.

**OTHER-THAN-SERIOUS** – A violation from a hazardous condition which would probably not cause death or serious physical harm, but would have a direct and immediate relationship to the safety and health of employees.

**REPEAT** – A violation of the UOSH Rules/Standards for which an employer has been cited previously for the same or a substantially similar condition or hazard, by UOSH, and the Citation has become a final order.

## NOTICE TO EMPLOYEES

UAC R614-1-7.R.2 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 notice to contest must be received by the Adjudication Division, using one of the methods listed in the "Right to Contest" section of this Citation, within 30 days of receipt of this Citation by the employer.

## INSPECTION ACTIVITY DATA

You should be aware that OSHA publishes information on UOSH's inspections and Citation activity on the internet under the provision of the Electronic Freedom of Information Act. The information related to your inspection will be available after the Citation is issued. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any disputes with the accuracy of the information displayed, please contact the UOSH office.

## PETITION FOR MODIFICATION OF ABATEMENT

Abatement dates are assigned on the basis of the best available information at the time the Citation is issued. When you are unable to meet an abatement date because of uncontrollable events or other circumstances, you may file a Petition for Modification of Abatement (PMA) with the UOSH Director. A PMA must be in writing and received by UOSH no later than the **next working day** following the abatement due date in accordance with UAC R614-1-7.O. The PMA must include all of the following information:

1. Steps you have taken so far in an effort to achieve compliance and dates of those steps.
2. Additional time period you need to comply.
3. The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.
4. Interim steps you are taking to safeguard your employees against the cited hazard during the abatement period.
5. A statement certifying that the petition for extension has been posted and, if appropriate, served on an authorized representative of the affected employees. The petition must be posted for 10 days, during which your employees may file an objection.

## INFORMAL CONFERENCE

**An Informal Conference is not required;** however, if you wish to have such a conference you may request it with UOSH within the 30 calendar day contest period, from the receipt date of the citation. 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 decide to request an Informal Conference to discuss any issues related to the Citation, you must schedule and complete the Informal Conference within the 30 calendar day contest period from the receipt date of the citation. You must complete and post the "Notice to Employees of Informal Conference" next to this Citation as soon as the time, date and place of the informal conference has been determined.

Bring to the informal 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 will resolve this matter without litigation or formal contest. **This contest period is not interrupted by an informal conference.**

**To schedule an Informal Contest - Scan the QR code below or go to the website address.**

Scan  or <https://laborcommission.utah.gov/divisions/uosh/compliance/informal-conferences/>

## THE RIGHT TO CONTEST THIS CITATION

In accordance with UCA §34A-6-303, you have the right to contest all or any part of this Citation by filing a written notice of contest with the Utah Labor Commission Adjudication Division (Adjudication Division) within 30 calendar days of receipt of the Citation as follows:

1. Mail notice of contest to the Adjudication Division. P.O. Box 146615, Salt Lake City, UT 84114-6615; or

2. Deliver notice of contest to Adjudication Division located in the Heber Wells Building, 160 East 300 South, 3rd floor, Salt Lake City, Utah; or
3. Electronically submit notice of contest to the Adjudication Division via email at [casefiling@utah.gov](mailto:casefiling@utah.gov); or
4. Fax notice of contest to the Adjudication Division at (801) 530-6333.

If a notice of contest is received, the Utah Labor Commission will then provide an adjudicative hearing. For further guidance, please telephone the Adjudication Division at (801) 530-6800. **Unless you inform the Adjudication Division in writing that you intend to contest the Citation(s) within 30 calendar days after receipt, the Citation(s) will become a final order of the Utah Labor Commission and may not be reviewed by any court or agency.**

#### **THE CITATION ADJUDICATION PROCESS**

If the notice of contest has been filed within the **30 calendar days** with the Adjudication Division, the case will be assigned to an administrative law judge and a hearing will be scheduled. Employer and employees may participate in the hearing. If the employer is a corporate entity, they must be represented by an attorney. Only an unincorporated individual can represent themselves at a formal adjudication hearing.

The hearing will involve all the elements of a trial, including examination and cross-examination of witnesses. The administrative law judge may affirm, modify, or eliminate any contested item of the Citation. Once the administrative law judge has ruled, any party to the case may request a further review by the Utah Labor Commission. The ruling of the Commission may be appealed to the Utah Court of Appeals. For more information regarding the adjudication process, please contact the Adjudication Division at (801) 530-6800 or visit its website at: **<https://laborcommission.utah.gov/divisions/adjudication/>**

**State of Utah Labor Commission**  
**Utah Occupational Safety and Health (UOSH)**  
160 East 300 South  
P.O Box 146650  
Salt Lake City, UT 84114  
Phone: (801) 530-6901 Fax: (801) 530-7606  
www.laborcommission.utah.gov



## **NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

Your employer has scheduled an informal conference with Utah Occupational Safety and Health (UOSH) to discuss the Citation(s) issued on 07/19/2023, for workplace safety and health violations, Inspection Number 1648558. The informal conference will be held at the UOSH office located at 160 East 300 South, Salt Lake City, UT 84111 on (date) \_\_\_\_\_ at (time) \_\_\_\_\_.

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

State of Utah Labor Commission  
Utah Occupational Safety and Health (UOSH)  
160 East 300 South  
P.O Box 146650  
Salt Lake City, UT 84114  
Phone: (801) 530-6901 Fax: (801) 530-7606  
www.laborcommission.utah.gov



## **Citation and Notification of Penalty**

**Company Name:** Northrop Grumman Systems Corporation  
**Inspection Site:** 5000 S 8400 W Magna, UT 84044  
**Inspection Number:** 1648558  
**Inspection Dates:** 01/31/2023-01/31/2023  
**Issuance Date:** 07/19/2023  
**CSHO ID:** L7615

### **Citation 1 Item 1 Type of Violation: Willful-Serious**

29 CFR 1910.134(d)(1)(iii):

The employer shall identify and evaluate the respiratory hazard(s) in the workplace; this evaluation shall include a reasonable estimate of employee exposures to respiratory hazard(s) and an identification of the contaminant's chemical state and physical form. Where the employer cannot identify or reasonably estimate the employee exposure, the employer shall consider the atmosphere to be IDLH.

(A) The employer did not identify and evaluate the workplace for respiratory hazards as required and/or, the atmosphere was not considered to be IDLH where the employer could not identify or reasonably estimate the employee exposure.  
-Employer did not identify and evaluate the workplace for respiratory hazards as required and/or, the atmosphere was not considered to be IDLH where the employer could not identify or reasonably estimate the employee exposure as required.  
-Employees entered a confined space with a known atmospheric hazard without that space being designated IDLH by the employer.

**Date by Which Violation Must Be Abated:**

**August 24, 2023**

**Proposed Penalty:**

**\$63000.00**

### **CERTIFICATION OF ABATEMENT:**

The violation identified above was corrected on \_\_\_\_\_ by \_\_\_\_\_.

Actions Taken: \_\_\_\_\_

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

By providing abatement verification to UOSH, and signing this document, the employer does not admit that it violated the cited standards for any litigation or purpose other than subsequent proceeding under the Utah Occupational Safety and Health Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

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

29 CFR 1910.134(d)(2)(i):The employer shall provide the following respirators for employee use in IDLH atmospheres:

- (A) A full facepiece pressure demand SCBA certified by NIOSH for a minimum service life of thirty minutes, or
- (B) A combination full facepiece pressure demand supplied-air respirator (SAR) with auxiliary self-contained air supply.

- (A) The employer did not provide respirators for employee use in IDLH atmospheres as required.
- The employer did not provide respirators for employee use in IDLH atmospheres are required.
- Employees entered an IDLH atmosphere without proper respiratory protection.
- The area in which employees entered was known to leak argon into the space.

**Date by Which Violation Must Be Abated:**

**August 24, 2023**

**Proposed Penalty:**

**\$63000.00**

**CERTIFICATION OF ABATEMENT:**

The violation identified above was corrected on \_\_\_\_\_ by \_\_\_\_\_.

Actions Taken: \_\_\_\_\_

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

By providing abatement verification to UOSH, and signing this document, the employer does not admit that it violated the cited standards for any litigation or purpose other than subsequent proceeding under the Utah Occupational Safety and Health Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

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

29 CFR 1910.134(g)(3):Procedures for IDLH atmospheres. For all IDLH atmospheres, the employer shall ensure that:

- (i) One employee or, when needed, more than one employee is located outside the IDLH atmosphere;
- (ii) Visual, voice, or signal line communication is maintained between the employee(s) in the IDLH atmosphere and the employee(s) located outside the IDLH atmosphere;
- (iii) The employee(s) located outside the IDLH atmosphere are trained and equipped to provide effective emergency rescue;
- (iv) The employer or designee is notified before the employee(s) located outside the IDLH atmosphere enter the IDLH atmosphere to provide emergency rescue;
- (v) The employer or designee authorized to do so by the employer, once notified, provides necessary assistance appropriate to the situation;
- (vi) Employee(s) located outside the IDLH atmospheres are equipped with:
  - (A) Pressure demand or other positive pressure SCBAs, or a pressure demand or other positive pressure supplied-air respirator with auxiliary SCBA; and either

(B) Appropriate retrieval equipment for removing the employee(s) who enter(s) these hazardous atmospheres where retrieval equipment would contribute to the rescue of the employee(s) and would not increase the overall risk resulting from entry; or

(C) Equivalent means for rescue where retrieval equipment is not required under paragraph (g)(3)(vi)(B).

(A) For all IDLH atmospheres, the employer did not ensure that the requirements of 29 CFR 1910.134(g)(3)(i) - (vi) were met.

-Employer did not ensure that the requirements of 29 CFR 1910.134(g)(3)(i) - (vi) were met as required.

-Employees entered an IDLH atmosphere without proper training and personal protective equipment for rescue.

**Date by Which Violation Must Be Abated:**

**August 24, 2023**

**Proposed Penalty:**

**\$6300.00**

**CERTIFICATION OF ABATEMENT:**

The violation identified above was corrected on \_\_\_\_\_ by \_\_\_\_\_.

Actions Taken: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

By providing abatement verification to UOSH, and signing this document, the employer does not admit that it violated the cited standards for any litigation or purpose other than subsequent proceeding under the Utah Occupational Safety and Health Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

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

29 CFR 1910.146(c)(5)(i)(E):An employer whose employees enter a permit space need not comply with paragraphs (d) through (f) and (h) through (k) of this section, provided that the determinations and supporting data required by paragraphs (c)(5)(i)(A), (c)(5)(i)(B), and (c)(5)(i)(C) of this section are documented by the employer and are made available to each employee who enters the permit space under the terms of paragraph (c)(5) of this section or to that employee's authorized representative.

(A) The determinations and supporting data required by paragraphs (c)(5)(i)(A), (c)(5)(i)(B), and (c)(5)(i)(C) of 29 CFR 1910.146 were not documented and/or made available as required.

-The determinations and supporting data required by paragraphs (c)(5)(i)(A), (c)(5)(i)(B), and (c)(5)(i)(C) of 29 CFR 1910.146 were not documented and/or made available as required.

-The employer did not demonstrate that the use of forced air ventilation was sufficient to maintain that a permit space was safe for entry.

Definitions of confined space:

Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

Confined space means a space that:

(1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and



- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and
- (3) Is not designed for continuous employee occupancy.

Note Per CPL. 2.100

Ladders, and temporary, movable, spiral, or articulated stairs will usually be considered a limited or restricted means of egress. Fixed industrial stairs that meet OSHA standards will be considered a limited or restricted means of egress when the conditions or physical characteristics of the space, in light of the hazards present in it, would interfere with the entrant's ability to exit or be rescued in a hazardous situation. Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

**Date by Which Violation Must Be Abated:**

**August 24, 2023**

**Proposed Penalty:**

**\$6300.00**

**CERTIFICATION OF ABATEMENT:**

The violation identified above was corrected on \_\_\_\_\_ by \_\_\_\_\_.

Actions Taken: \_\_\_\_\_

\_\_\_\_\_

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

By providing abatement verification to UOSH, and signing this document, the employer does not admit that it violated the cited standards for any litigation or purpose other than subsequent proceeding under the Utah Occupational Safety and Health Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

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

29 CFR 1910.146(c)(5)(i)(F):An employer whose employees enter a permit space need not comply with paragraphs (d) through (f) and (h) through (k) of this section, provided that entry into the permit space under the terms of paragraph (c)(5)(i) of this section is performed in accordance with the requirements of paragraph (c)(5)(ii) of this section.

Note: See paragraph (c)(7) of this section for reclassification of a permit space after all hazards within the space have been eliminated.

(A) Entry into the permit space under the terms of 29 CFR 1910.146(c)(5)(i) was not performed in accordance with the requirements of 29 CFR 1910.146(c)(5)(ii).

-Entry into the permit space under the terms of 29 CFR 1910.146(c)(5)(i) was not performed in accordance with the requirements of 29 CFR 1910.146(c)(5)(ii).

-Atmospheric testing is not performed prior to employees enter a permit-required confined space. Testing requires the entry of an employee with an atmospheric monitor. 29 CFR 1910.146(c)(5)(ii)(C)

-Employees were instructed by the employer to enter a permit-required confined space with a known atmospheric hazard without the use of forced air ventilation first eliminating the hazard. 29 CFR 1910.146(c)(5)(ii)(E)(1)

-Employer did not ensure that continuous forced air ventilation was used in the immediate area while employees were present in a permit-required confined space. 29 CFR 1910.146(c)(5)(ii)(E)(2)

-(Specify the verbiage of which (c)(5)(ii) paragraph applies - see note below)

NOTE: 29 CFR 1910.146(c)(5)(ii)

The following requirements apply to entry into permit spaces that meet the conditions set forth in paragraph (c)(5)(i) of this section.

- (A) Any conditions making it unsafe to remove an entrance cover shall be eliminated before the cover is removed.
- (B) When entrance covers are removed, the opening shall be promptly guarded by a railing, temporary cover, or other temporary barrier that will prevent an accidental fall through the opening and that will protect each employee working in the space from foreign objects entering the space.
- (C) Before an employee enters the space, the internal atmosphere shall be tested, with a calibrated direct-reading instrument, for oxygen content, for flammable gases and vapors, and for potential toxic air contaminants, in that order. Any employee who enters the space, or that employee's authorized representative, shall be provided an opportunity to observe the pre-entry testing required by this paragraph.
- (D) There may be no hazardous atmosphere within the space whenever any employee is inside the space.
- (E) Continuous forced air ventilation shall be used, as follows:
  - (1) An employee may not enter the space until the forced air ventilation has eliminated any hazardous atmosphere;
  - (2) The forced air ventilation shall be so directed as to ventilate the immediate areas where an employee is or will be present within the space and shall continue until all employees have left the space;
  - (3) The air supply for the forced air ventilation shall be from a clean source and may not increase the hazards in the space.
- (F) The atmosphere within the space shall be periodically tested as necessary to ensure that the continuous forced air ventilation is preventing the accumulation of a hazardous atmosphere. Any employee who enters the space, or that employee's authorized representative, shall be provided with an opportunity to observe the periodic testing required by this paragraph.
- (G) If a hazardous atmosphere is detected during entry:
  - (1) Each employee shall leave the space immediately;
  - (2) The space shall be evaluated to determine how the hazardous atmosphere developed; and
  - (3) Measures shall be implemented to protect employees from the hazardous atmosphere before any subsequent entry takes place.
- (H) The employer shall verify that the space is safe for entry and that the pre-entry measures required by paragraph (c)(5)(ii) of this section have been taken, through a written certification that contains the date, the location of the space, and the signature of the person providing the certification. The certification shall be made before entry and shall be made available to each employee entering the space or to that employee's authorized representative .

Definitions of confined space:

Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

Confined space means a space that:

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and
- (3) Is not designed for continuous employee occupancy.

Note Per CPL. 2.100

Ladders, and temporary, movable, spiral, or articulated stairs will usually be considered a limited or restricted means of egress. Fixed industrial stairs that meet OSHA standards will be considered a limited or restricted means of egress when the conditions or physical characteristics of the space, in light of the hazards present in it, would interfere with the entrant's ability to exit or be rescued in a hazardous situation. Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

**Date by Which Violation Must Be Abated:**

**August 24, 2023**

**Proposed Penalty:**

**\$0.00**

**CERTIFICATION OF ABATEMENT:**

The violation identified above was corrected on \_\_\_\_\_ by \_\_\_\_\_.

Actions Taken: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

By providing abatement verification to UOSH, and signing this document, the employer does not admit that it violated the cited standards for any litigation or purpose other than subsequent proceeding under the Utah Occupational Safety and Health Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

**Citation 2 Item 3 a Type of Violation: Serious**

29 CFR 1910.146(c)(7)(i):If the permit space poses no actual or potential atmospheric hazards and if all hazards within the space are eliminated without entry into the space, the permit space may be reclassified as a non-permit confined space for as long as the non-atmospheric hazards remain eliminated.

(A) A permit space was reclassified as a non-permit confined space when the permit space posed actual or potential atmospheric hazards and/or when all hazards within the space were not eliminated as required.

-A permit space was reclassified as a non-permit confined space while the permit space posed an actual or potential atmospheric hazard.

-A space previously listed as permit required was reclassified, but the atmospheric hazard (argon) had not been eliminated.

Definitions of confined space:

Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

Confined space means a space that:

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and
- (3) Is not designed for continuous employee occupancy.

Note Per CPL. 2.100

Ladders, and temporary, movable, spiral, or articulated stairs will usually be considered a limited or restricted means of egress. Fixed industrial stairs that meet OSHA standards will be considered a limited or restricted means of egress when the conditions or physical characteristics of the space, in light of the hazards present in it, would interfere with the entrant's ability to exit or be rescued in a hazardous situation. Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

**Date by Which Violation Must Be Abated:**

**August 24, 2023**

**Proposed Penalty:**

**\$6300.00**

**CERTIFICATION OF ABATEMENT:**

The violation identified above was corrected on \_\_\_\_\_ by \_\_\_\_\_.

Actions Taken: \_\_\_\_\_

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

By providing abatement verification to UOSH, and signing this document, the employer does not admit that it violated the cited standards for any litigation or purpose other than subsequent proceeding under the Utah Occupational Safety and Health Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

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

29 CFR 1910.146(c)(7)(iii):The employer shall document the basis for determining that all hazards in a permit space have been eliminated, through a certification that contains the date, the location of the space, and the signature of the person making the determination. The certification shall be made available to each employee entering the space or to that employee's authorized representative.

(A) The employer did not document the basis for determining that all hazards in a permit space had been eliminated, through a certification that contained the date, location of the space, and/or signature of the person who made the determination, and/or the certification was not made available as required.

-The employer did not document the basis for determining that all hazards in a permit space had been eliminated as required.

-A permit space was reclassified as non-permit required, but the employer did not document the basis for determining that all hazards had been eliminated.

Definitions of confined space:

Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

Confined space means a space that:

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and
- (3) Is not designed for continuous employee occupancy.

Note Per CPL. 2.100

Ladders, and temporary, movable, spiral, or articulated stairs will usually be considered a limited or restricted means of egress. Fixed industrial stairs that meet OSHA standards will be considered a limited or restricted means of egress when the conditions or physical characteristics of the space, in light of the hazards present in it, would interfere with the entrant's ability to exit or be rescued in a hazardous situation. Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

**Date by Which Violation Must Be Abated:**

**August 24, 2023**

**Proposed Penalty:**

**\$0.00**

**CERTIFICATION OF ABATEMENT:**

The violation identified above was corrected on \_\_\_\_\_ by \_\_\_\_\_.

Actions Taken: \_\_\_\_\_

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

By providing abatement verification to UOSH, and signing this document, the employer does not admit that it violated the cited standards for any litigation or purpose other than subsequent proceeding under the Utah Occupational Safety and Health Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

**Citation 2 Item 3 c Type of Violation:      **Serious****

29 CFR 1910.146(c)(7)(iv):If hazards arise within a permit space that has been declassified to a non-permit space under paragraph (c)(7) of this section, each employee in the space shall exit the space. The employer shall then reevaluate the space and determine whether it must be reclassified as a permit space, in accordance with other applicable provisions of this section.

(A) When hazards arose within a permit space that had been declassified to a non-permit space under 29 CFR 1910.146(c)(7), each employee in the space did not exit the space and/or the employer did not reevaluate the space and determine whether it must be reclassified as required.

-When a hazard arose within a permit space that had been declassified to a non-permit space, the employer did not reevaluate the space to determine whether it must be reclassified as required.

-A space declassified to a non-permit space continued to leak Argon, but was not reevaluated by the employer to determine it it should be reclassified.

Definitions of confined space:

Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

Confined space means a space that:

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and
- (3) Is not designed for continuous employee occupancy.

Note Per CPL. 2.100

Ladders, and temporary, movable, spiral, or articulated stairs will usually be considered a limited or restricted means of egress. Fixed industrial stairs that meet OSHA standards will be considered a limited or restricted means of egress when the conditions or physical characteristics of the space, in light of the hazards present in it, would interfere with the entrant's ability to exit or be rescued in a hazardous situation. Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

**Date by Which Violation Must Be Abated:**

**August 24, 2023**

**Proposed Penalty:**

**\$0.00**

**CERTIFICATION OF ABATEMENT:**

The violation identified above was corrected on \_\_\_\_\_ by \_\_\_\_\_.

Actions Taken: \_\_\_\_\_

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

By providing abatement verification to UOSH, and signing this document, the employer does not admit that it violated the cited standards for any litigation or purpose other than subsequent proceeding under the Utah Occupational Safety and Health Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

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

29 CFR 1910.146(d)(1):Permit-required confined space program (permit space program). Under the permit space program required by paragraph (c)(4) of this section, the employer shall implement the measures necessary to prevent unauthorized entry.

- (A) The employer did not implement the measures necessary to prevent unauthorized entry as required.
- The employer did not implement the measures necessary to prevent unauthorized entry as required.
- Employees were allowed to enter a permit-required confined space without proper authorization.
- Employees entered an improperly reclassified confined space without adhering to the requirements of permit space program.

Definitions of confined space:

Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

Confined space means a space that:

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and
- (3) Is not designed for continuous employee occupancy.

Note Per CPL. 2.100

Ladders, and temporary, movable, spiral, or articulated stairs will usually be considered a limited or restricted means of egress. Fixed industrial stairs that meet OSHA standards will be considered a limited or restricted means of egress when the conditions or physical characteristics of the space, in light of the hazards present in it, would interfere with the entrant's ability to exit or be rescued in a hazardous situation. Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

**Date by Which Violation Must Be Abated:**

**August 24, 2023**

**Proposed Penalty:**

**\$6300.00**

**CERTIFICATION OF ABATEMENT:**

The violation identified above was corrected on \_\_\_\_\_ by \_\_\_\_\_.

Actions Taken: \_\_\_\_\_

\_\_\_\_\_

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

By providing abatement verification to UOSH, and signing this document, the employer does not admit that it violated the cited standards for any litigation or purpose other than subsequent proceeding under the Utah Occupational Safety and Health Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

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

29 CFR 1910.146(d)(2):Permit-required confined space program (permit space program). Under the permit space program required by paragraph (c)(4) of this section, the employer shall identify and evaluate the hazards of permit spaces before employees enter them.

- (A) The employer did not identify and evaluate the hazards of permit spaces before employees entered them as required.
- The employer did not identify and evaluate the hazards of permit spaces before employees entered them as required.
- Employees were allowed to enter a permit-required confined space with a known atmospheric hazard without the employer first having properly evaluated the hazard.

Definitions of confined space:

Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

Confined space means a space that:

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and
- (3) Is not designed for continuous employee occupancy.

Note Per CPL. 2.100

Ladders, and temporary, movable, spiral, or articulated stairs will usually be considered a limited or restricted means of egress. Fixed industrial stairs that meet OSHA standards will be considered a limited or restricted means of egress when the conditions or physical characteristics of the space, in light of the hazards present in it, would interfere with the entrant's ability to exit or be rescued in a hazardous situation. Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

**Date by Which Violation Must Be Abated:**

**August 24, 2023**

**Proposed Penalty:**

**\$6300.00**

**CERTIFICATION OF ABATEMENT:**

The violation identified above was corrected on \_\_\_\_\_ by \_\_\_\_\_.

Actions Taken: \_\_\_\_\_

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

By providing abatement verification to UOSH, and signing this document, the employer does not admit that it violated the cited standards for any litigation or purpose other than subsequent proceeding under the Utah Occupational Safety and Health Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

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

29 CFR 1910.146(d)(3):Permit-required confined space program (permit space program). Under the permit space program required by paragraph (c)(4) of this section, the employer shall develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including, but not limited to, the following:

- (i) Specifying acceptable entry conditions;
- (ii) Providing each authorized entrant or that employee's authorized representative with the opportunity to observe any monitoring or testing of permit spaces;
- (iii) Isolating the permit space;
- (iv) Purging, inerting, flushing, or ventilating the permit space as necessary to eliminate or control atmospheric hazards;
- (v) Providing pedestrian, vehicle, or other barriers as necessary to protect entrants from external hazards; and
- (vi) Verifying that conditions in the permit space are acceptable for entry throughout the duration of an authorized entry.

(A) The employer did not develop and/or implement the means, procedures, and practices necessary for safe permit space entry operations as required.

-The employer did not develop and/or implement the means, procedures, and practices necessary for safe permit space entry operations as required.

-Employees were allowed to enter a permit-required confined space with a known atmospheric hazard without that space first being purged, inerted, flushed, or ventilated to control the atmospheric hazard.

**Definitions of confined space:**

Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

**Confined space means a space that:**

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and
- (3) Is not designed for continuous employee occupancy.

Note Per CPL. 2.100



Ladders, and temporary, movable, spiral, or articulated stairs will usually be considered a limited or restricted means of egress. Fixed industrial stairs that meet OSHA standards will be considered a limited or restricted means of egress when the conditions or physical characteristics of the space, in light of the hazards present in it, would interfere with the entrant's ability to exit or be rescued in a hazardous situation. Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

**Date by Which Violation Must Be Abated:**

**August 24, 2023**

**Proposed Penalty:**

**\$6300.00**

**CERTIFICATION OF ABATEMENT:**

The violation identified above was corrected on \_\_\_\_\_ by \_\_\_\_\_.

Actions Taken: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

By providing abatement verification to UOSH, and signing this document, the employer does not admit that it violated the cited standards for any litigation or purpose other than subsequent proceeding under the Utah Occupational Safety and Health Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

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

29 CFR 1910.146(d)(9):Permit-required confined space program (permit space program). Under the permit space program required by paragraph (c)(4) of this section, the employer shall develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and for preventing unauthorized personnel from attempting a rescue.

(A) The employer did not develop and/or implement procedures as required.

-The employer did not develop and/or implement procedures as required.

-An unauthorized employee entered a permit-required confined space with a known atmospheric hazard to attempt a rescue.

Definitions of confined space:

Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

Confined space means a space that:

(1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and

(2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and

(3) Is not designed for continuous employee occupancy.

Note Per CPL. 2.100

Ladders, and temporary, movable, spiral, or articulated stairs will usually be considered a limited or restricted means of

egress. Fixed industrial stairs that meet OSHA standards will be considered a limited or restricted means of egress when the conditions or physical characteristics of the space, in light of the hazards present in it, would interfere with the entrant's ability to exit or be rescued in a hazardous situation. Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

**Date by Which Violation Must Be Abated:**

**August 24, 2023**

**Proposed Penalty:**

**\$6300.00**

**CERTIFICATION OF ABATEMENT:**

The violation identified above was corrected on \_\_\_\_\_ by \_\_\_\_\_.

Actions Taken: \_\_\_\_\_

\_\_\_\_\_

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

By providing abatement verification to UOSH, and signing this document, the employer does not admit that it violated the cited standards for any litigation or purpose other than subsequent proceeding under the Utah Occupational Safety and Health Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

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

29 CFR 1910.146(g)(1):

The employer shall provide training so that all employees whose work is regulated by this section acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under this section.

(A) The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146 acquired the understanding, knowledge, and skills necessary as required.

-The employer did not ensure that an employee was trained for work inside a confined space that had the potential for a hazardous atmosphere as required.

Definitions of confined space:

Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

Confined space means a space that:

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and
- (3) Is not designed for continuous employee occupancy.

Note Per CPL. 2.100

Ladders, and temporary, movable, spiral, or articulated stairs will usually be considered a limited or restricted means of egress. Fixed industrial stairs that meet OSHA standards will be considered a limited or restricted means of egress when

the conditions or physical characteristics of the space, in light of the hazards present in it, would interfere with the entrant's ability to exit or be rescued in a hazardous situation. Permit-required confined space program (permit space program) means the employer's overall program for controlling, and, where appropriate, for protecting employees from, permit space hazards and for regulating employee entry into permit spaces.

**Date by Which Violation Must Be Abated:**

**August 24, 2023**

**Proposed Penalty:**

**\$2250.00**

**CERTIFICATION OF ABATEMENT:**

The violation identified above was corrected on \_\_\_\_\_ by \_\_\_\_\_.

Actions Taken: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

By providing abatement verification to UOSH, and signing this document, the employer does not admit that it violated the cited standards for any litigation or purpose other than subsequent proceeding under the Utah Occupational Safety and Health Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

*Daniel Burns*  
\_\_\_\_\_  
Daniel Burns  
Compliance Officer

*7/19/2023*  
\_\_\_\_\_  
Date

*Jason Sokoloff*  
\_\_\_\_\_  
Jason Sokoloff  
Compliance Operations Manager

*7-19-2023*  
\_\_\_\_\_  
Date

State of Utah Labor Commission  
Utah Occupational Safety and Health (UOSH)  
160 East 300 South  
P.O Box 146650  
Salt Lake City, UT 84114  
Phone: (801) 530-6901 Fax: (801) 530-7606  
www.laborcommission.utah.gov



**NOTIFICATION OF ASSESSED PENALTY**

**Company Name:** Northrop Grumman Systems Corporation  
**Inspection Site:** 5000 S 8400 W Magna, UT 84044  
**Issuance Date:** 07/19/2023  
**Summary of Penalties for Inspection Number:** 1648558

Citation 1 Item 1, Willful-Serious	\$63000.00
Citation 1 Item 2, Willful-Serious	\$63000.00
Citation 2 Item 1, Serious	\$6300.00
Citation 2 Item 2a, Serious	\$6300.00
Citation 2 Item 2b, Serious	\$0.00
Citation 2 Item 3a, Serious	\$6300.00
Citation 2 Item 3b, Serious	\$0.00
Citation 2 Item 3c, Serious	\$0.00
Citation 2 Item 4, Serious	\$6300.00
Citation 2 Item 5, Serious	\$6300.00
Citation 2 Item 6, Serious	\$6300.00
Citation 2 Item 7, Serious	\$6300.00
Citation 2 Item 8, Serious	\$2250.00

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**TOTAL PROPOSED PENALTIES:** **\$172350.00**

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**The total proposed penalty is due within 30 calendar days of receipt of this Citation unless formally contested or payment arrangements are made with UOSH.**

To avoid additional charges, please remit payment promptly to this Office (UOSH) for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:

**Utah Occupational Safety and Health**  
**Attention: Compliance Department**  
**160 East 300 South, 3rd Floor**  
**P.O. Box 146650**  
**Salt Lake City, Utah 84114-6650**

Please indicate the **UOSH Inspection Number: 1648558** on the remittance.

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

In accordance with Utah State policy, penalties not collected will be turned over to the Utah Office of State Debt Collection (OSDC). The OSDC may assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Utah Occupational Safety and Health Act.

\_\_\_\_\_  
Jason Sokoloff

7-19-2023  
\_\_\_\_\_  
Date

