

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

RECEIVED

JUL 28 2011

OSH Appeals Board

APPEAL FORM

300874211

Inspection Number on Citation

2011-R 4 D 1 -1945

Baxter Healthcare Corp.

Employer Name on Citation

1. You only have 15 working days from receipt of a citation to appeal.

dba Baxter Bioscience

Employer Legal Name or DBA (Optional)

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

4501 Colorado Blvd.

Address

Los Angeles, California 90039

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[] CITATION NO(s): 1 Item No(s): 1

[] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

[] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[] The safety order was not violated.

[] The classification (i.e. serious, willful, repeat) is incorrect.

[] The abatement requirements are unreasonable.

[] Required changes [] Time allowed to complete changes

[] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>
Baxter did not authorize its employees to enter into any permit-required confined space

Independent Employee Action Defense

Absence of Employer Knowledge

4.



(Signature of Employer or Employer's Representative)

{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing}

Peter Etienne

(Type or print name)

Senior Counsel, Ethics & Compliance

(Title)

Baxter International Inc. One Baxter Parkway

(Address) {Address where all communications from the Appeals Board will be sent}

Deerfield

Illinois

60015

(City)

(State)

(Zip Code)

(847) 948-4879

Peter_Etienne@Baxter.com

July 27, 2011

(Telephone)

(E-Mail Address)

(Date)

{All correspondence from the Appeals Board will be sent to the representative above at the address above. If there is any change in address, telephone number, and/or e-mail address after you file your appeal, you must notify the Appeals Board of the change(s). All such notifications must be in writing}

IMPORTANT INFORMATION

- A. Use this form to appeal a Citation, Notification of Failure to Abate Alleged Violation, or Special Order/Special Action.
- B. You must complete *a separate appeal form for each citation or notification* you wish to appeal and *attach a copy of the complete citation or notification that you are appealing.*
- C. If the citation or notification being appealed includes more than one item **do not use separate appeals forms for each item.** Instead, specify the items you are appealing in the space provided in No. 1 on the front of this form. (for example, "Citation No. 1, Item Nos. 2, 5, and 8)
- D. **Be sure to sign your appeal form and provide all the information requested in No. 4 above.**
- E. Your appeal form shall be deemed not completed unless you attach a copy of each citation or notification that you are appealing, and failure to file a completed appeal form may result in dismissal of the appeal.
- F. If you or your representative change address, telephone number, and/or e-mail address, it is your responsibility to notify the Appeals Board in writing of the change(s). Otherwise the Appeals Board will continue to use the address it has on file and you risk not receiving notices or other communications from the Appeals Board. Appeals Board regulations make it the employer's obligation to notify the Appeals Board of any changes to the employer's and/or representative's contact information.
- G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.
- H. Late appeals will not be accepted unless good cause is shown.

State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

RECEIVED

JUL 28 2011

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

OSH Appeals Board

Citation 1 Item 1 Type of Violation: General

Title 8 California Code of Regulations Section 5157(e)(1)

Permit system.

Before entry is authorized, the employer shall document the completion of measures required by subsection (d)(3) by preparing an entry permit.

Violation

Employees entered permit required spaces without documenting the completion of measures required by subsection (d)(3). The employer did not prepare entry permits which met all of the requirements of this section.

Instance 1:

On January 21, 2011 an employee entered plasma fractionation tank #23 in room 404 which is a permit required confined space and collapsed inside the tank. Two additional employees entered the plasma fractionation tank to attempt to rescue the first employee. These two additional employees also collapsed in the oxygen deficient atmosphere in tank number 23. One employee sustained fatal injuries and two other employees sustained serious injuries. No entry permit was completed prior to entry to ensure acceptable entry conditions were present.

Instance 2:

On and prior to January 21, 2011, employees placed their arms and heads inside plasma fractionation tanks which are permit required confined spaces. Reaching into a permit required confined space constitutes a confined space entry under this standard. No entry permits meeting the requirements of this section were completed prior to these entries to ensure acceptable entry conditions were present.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/21/2011
\$ 1250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

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OSH Appeals Board

APPEAL FORM

300874211

Inspection Number on Citation

2011-R 4 D I -1946

Baxter Healthcare Corp.

Employer Name on Citation

1. You only have 15 working days from receipt of a citation to appeal.

dba Baxter Bioscience

Employer Legal Name or DBA (Optional)

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

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FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[✓] CITATION NO(s): 2 Item No(s): 1

[] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

[] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[✓] The safety order was not violated.

[✓] The classification (i.e. serious, willful, repeat) is incorrect.

[✓] The abatement requirements are unreasonable.

[✓] Required changes [✓] Time allowed to complete changes

[✓] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>
Baxter took reasonable and effective measures to prevent its employees from entering permit-required

confined spaces; This violation is double-cited with Citation 5, Item 1;

Independent Employee Action Defense / Absence of Employer Knowledge

State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



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JUL 28 2011

OSH Appeals Board

Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Citation 2 Item 1 Type of Violation: Willful-Serious-Accident Related

Title 8 California Code of Regulations Section 5157(c)(3)

General Requirements

If the employer decides that its employees and other employees performing work in the area will not enter permit spaces, the employer shall take effective measures to prevent all such employees from entering the permit spaces and shall comply with subsections (c)(1), (c)(2), (c)(6), and (c)(8).

Violation

Instance 1:

On and prior to January 21, 2011, the employer failed to take effective measures to prevent employees from entering the plasma fractionation tank #23 in room 404. As a result, one employee entered said tank and died and two other employees also entered the tank and suffered serious injuries.

Instance 2:

On and prior to January 21, 2011, the employer failed to take effective measures to prevent employees from placing their arms and hands inside plasma fractionation tanks, which are permit required confined spaces. Reaching into a permit required confined space constitutes an entry under this standard.

Instance 3:

On and prior to January 21, 2011, the employer placed a sign on plasma fractionation tank #23 in room 404 reading "Danger Confined Space Enter By Permit Only". Placement of this sign was not effective to inform employees of the danger posed by the permit space.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/29/2011
\$ 70000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

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JUL 28 2011

OSH Appeals Board

APPEAL FORM

300874211

Inspection Number on Citation

2011-R 4D1 -1947

Baxter Healthcare Corp.

Employer Name on Citation

1. You only have 15 working days from receipt of a citation to appeal.

dba Baxter Bioscience

Employer Legal Name or DBA (Optional)

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

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Address

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FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[] CITATION NO(s): 3 Item No(s): 1

[] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

[] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[] The safety order was not violated.

[] The classification (i.e. serious, willful, repeat) is incorrect.

[] The abatement requirements are unreasonable.

[] Required changes [] Time allowed to complete changes

[] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>
Baxter decided that its employees do not enter permit spaces;

This violation is double-cited with Citation 6, Item 1;

Independent Employee Action Defense / Absence of Employer Knowledge

State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/12/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

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JUL 28 2011

OSH Appeals Board

Citation 3 Item 1 Type of Violation: Serious

Title 8 California Code of Regulations Section 5157 (c)(4)

General requirements.

If the employer decides that its employees will enter permit spaces, the employer shall develop and implement a written permit space program that complies with this section. The written program shall be available for inspection by employees and their authorized representatives.

Reference: Title 8 California Code of Regulations Section 5157(d)(3)

Permit-required confined space program (permit space program). Under the permit required confined space program required by subsection (c)(4), 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:

- (A) Specifying acceptable entry conditions;
- (B) Isolating the permit space;
- (C) Purging, inerting, flushing, or ventilating the permit space as necessary to eliminate or control atmospheric hazards;
- (D) Providing pedestrian, vehicle, or other barriers as necessary to protect entrants from external hazards; and
- (E) Verifying that conditions in the permit space are acceptable for entry throughout the duration of an authorized entry.

Violation

On and prior to January 21, 2011, the employer did not develop and implement a permit-required space program which complies with all the elements of Title 8 CCR Section 5157(d)(3) referenced above. The

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
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Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/12/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

employer did not implement a procedure to isolate the plasma fractionation tanks. The employer did not develop and implement a procedure to ventilate plasma fractionation tanks using ventilating equipment. The employer did not develop and implement a procedure to continuously monitor plasma fractionation tank atmospheres.

Instance 1:

On January 21, 2011 an employee entered plasma fractionation tank #23 in room 404 which is a permit required confined space and collapsed inside the tank. Two additional employees entered the plasma fractionation tank to attempt to rescue the first employee. These two additional employees also collapsed in the oxygen deficient atmosphere in tank number 23. One employee sustained fatal injuries and two other employees sustained serious injuries. No entry permits were completed prior to entry to ensure acceptable entry conditions were present.

Instance 2:

On and prior to January 21, 2011, employees placed their arms and heads inside plasma fractionation tanks which are permit required confined spaces. Reaching into a permit required confined space constitutes a confined space entry under this standard. No entry permits meeting the requirements of this section were completed prior to these entries to ensure acceptable entry conditions were present.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/29/2011
\$ 11250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

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JUL 28 2011

OSH Appeals Board

APPEAL FORM

300874211

Inspection Number on Citation

2011-R 4 D | -1948

Baxter Healthcare Corp.

Employer Name on Citation

dba Baxter Bioscience

Employer Legal Name or DBA (Optional)

4501 Colorado Blvd.

Address

Los Angeles, California 90039

1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[] CITATION NO(s): 4 Item No(s): 1

[] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

[] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[] The safety order was not violated.

[] The classification (i.e. serious, willful, repeat) is incorrect.

[] The abatement requirements are unreasonable.

[] Required changes [] Time allowed to complete changes

[] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>
Baxter reclassifies its plasma fractionation tanks as non-permit required confined spaces in accordance

with 8 CCR Section 5157(c)(7)

State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

RECEIVED

JUL 28 2011

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

OSH Appeals Board

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

Title 8 California Code of Regulations Section 5157(c)(7)

General Requirements

A space classified by the employer as a permit-required confined space may be reclassified as a non-permit confined space under the following procedures:

(A) 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.

(B) If it is necessary to enter the permit space to eliminate hazards, such entry shall be performed under subsections (d) through (k). If testing and inspection during that entry demonstrate that the hazards within the permit space have been eliminated, the permit space may be reclassified as a non-permit confined space for as long as the hazards remain eliminated.

Note: Control of atmospheric hazards through forced air ventilation does not constitute elimination of the hazards. Subsection (c)(5) covers permit space entry where the employer can demonstrate that forced air ventilation alone will control all hazards in the space.

(C) 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.

(D) If hazards arise within a permit space that has been declassified to a non-permit space under subsection (c)(7), 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.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California
Division of Occupational Safety and Health
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Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Violation

On and prior to January 21, 2011, the employer did not implement the procedures required by this subsection prior to reclassifying a permit-required confined space, including but not limited to entry into the plasma fractionation tanks. The employer failed to evaluate and eliminate all atmospheric hazards associated with the use of ethanol and methanol in plasma fractionation tanks prior to re-classification of these spaces as non-permit required confined spaces.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/29/2011
\$ 11250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

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JUL 28 2011

OSH Appeals Board

APPEAL FORM

300874211

Inspection Number on Citation

2011-R 4D1 -1949

Baxter Healthcare Corp.

Employer Name on Citation

1. You only have 15 working days from receipt of a citation to appeal.

dba Baxter Bioscience

Employer Legal Name or DBA (Optional)

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

4501 Colorado Blvd.

Address

Los Angeles, California 90039

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[] CITATION NO(s): 5 Item No(s): 1

[] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

[] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[] The safety order was not violated.

[] The classification (i.e. serious, willful, repeat) is incorrect.

[] The abatement requirements are unreasonable.

[] Required changes [] Time allowed to complete changes

[] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>
Baxter took reasonable and effective measures to prevent its employees from entering permit-required

confined spaces; This violation is double-cited with Citation 2, Item 1;

Independent Employee Action Defense / Absence of Employer Knowledge

State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



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JUL 28 2011

Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

OSH Appeals Board

Citation 5 Item 1 Type of Violation: Willful-Serious-Accident Related

Title 8 California Code of Regulations Section 5157(d)(1)

Permit-required confined space program (permit space program). Under the permit required confined space program required by subsection (c)(4), the employer shall:

Implement the measures necessary to prevent unauthorized entry

Violation

On and prior to January 21, 2011, the employer did not implement effective procedures to prevent unauthorized entry into permit required confined spaces.

Instance 1:

Between January 20, 2011 and January 21, 2011, an employee entered and exited plasma fractionation tank #23 on four (4) occasions prior to entering the tank and collapsing in the tank upon his fifth tank entry. Plasma fractionation tanks are permit-required confined spaces.

Instance 2:

On January 21, 2011, two other employees entered the tank to perform a rescue and as a result, they sustained serious injuries. The tank was subsequently determined to contain an oxygen deficient atmosphere as nitrogen sparging was being conducted to agitate the plasma mixture inside the tank.

Instance 3:

On and prior to January 21, 2011, employees placed their arms and heads inside seven (7) foot deep plasma fractionation tanks. Plasma fractionation tanks are permit-required confined spaces. Reaching into the opening of a permit required confined space constitutes a confined space entry under this standard.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/29/2011
\$ 70000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

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APPEAL FORM

300874211

Inspection Number on Citation

2011-R 4D1 -1950

Baxter Healthcare Corp.

Employer Name on Citation

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dba Baxter Bioscience

Employer Legal Name or DBA (Optional)

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

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FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[] CITATION NO(s): 6 Item No(s): 1

[] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

[] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[] The safety order was not violated.

[] The classification (i.e. serious, willful, repeat) is incorrect.

[] The abatement requirements are unreasonable.

[] Required changes [] Time allowed to complete changes

[] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>
Baxter decided that its employees do not enter permit spaces;

This violation is double-cited with Citation 3, Item 1;

Independent Employee Action Defense / Absence of Employer Knowledge

State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
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Inspection Number: 300874211
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Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



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Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

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

Title 8 California Code of Regulations Section 5157(d)(4)

Permit-required confined space program (permit space program). Under the permit required confined space program required by subsection (c)(4), the employer shall:

Provide the following equipment (specified in subsections (A) through (I), below) at no cost to employees, maintain that equipment properly, and ensure that employees use that equipment properly:

- (A) Testing and monitoring equipment needed to comply with subsection (d)(5);
- (B) Ventilating equipment needed to obtain acceptable entry conditions;
- (C) Communications equipment necessary for compliance with subsections (h)(3) and (i)(5);
- (D) Personal protective equipment insofar as feasible engineering and work practice controls do not adequately protect employees;
- (E) Lighting equipment needed to enable employees to see well enough to work safely and to exit the space quickly in an emergency;
- (F) Barriers and shields as required by subsection (d)(3)(D);
- (G) Equipment, such as ladders, needed for safe ingress and egress by authorized entrants;
- (H) Rescue and emergency equipment needed to comply with subsection (d)(9), except to the extent that the equipment is provided by rescue services; and
- (I) Any other equipment necessary for safe entry into and rescue from permit spaces.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Violation

The employer did not ensure that employees used air testing and monitoring equipment prior to entering permit required confined spaces. The employer did not provide ventilating equipment to obtain acceptable entry conditions. The employer also did not provide rescue and emergency equipment needed to comply with subsection (d)(9) or arrange for rescue by outside rescue agencies.

Instance 1:

On January 21, 2011 an employee entered plasma fractionation tank #23 in room 404 and collapsed inside the tank. Plasma fractionation tanks are permit required confined spaces. The tank was subsequently determined to contain an oxygen deficient atmosphere as nitrogen sparging was being conducted to agitate the plasma mixture inside the tank. The employer did not provide and utilize ventilating equipment to obtain acceptable entry conditions. The employer did not provide and utilize non-entry rescue and emergency equipment needed to comply with subsection (d)(9). The employer did not make prior arrangements for rescue by an outside agency.

Instance 2:

An employee entered plasma fractionation tank #23 to attempt to rescue the first employee already collapsed inside the tank. Plasma fractionation tanks are permit required confined spaces. This employee sustained serious injuries and remains hospitalized. The employer did not ensure the use of air monitoring equipment. The employer did not provide and utilize ventilating equipment to obtain acceptable entry conditions. The employer did not provide and utilize non-entry rescue and emergency equipment needed to comply with subsection (d)(9). The employer did not make prior arrangements for rescue by an outside rescue agency.

Instance 3:

Another employee entered plasma fractionation tank #23 to attempt to rescue the other two employees. Plasma fractionation tanks are permit required confined spaces. The employer did not ensure the use of air monitoring equipment. The employer did not provide and utilize ventilating equipment to obtain acceptable entry conditions. The employer did not provide and utilize non-entry rescue and emergency equipment needed to comply with subsection (d)(9). The employer did not make prior arrangements for rescue by an outside agency.

Instance 4:

On and prior to January 11, 2011, employees entered plasma fractionation tanks to perform cleaning operations. Plasma fractionation tanks are permit required confined spaces. The employer did not provide and

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

utilize ventilating equipment to obtain acceptable entry conditions after nitrogen sparging. The employer did not provide and utilize non-entry rescue and emergency equipment needed to comply with subsection (d)(9). The employer did not make prior arrangements for rescue by an outside agency. The employer has not followed the required procedures for re-classification of permit required confined spaces into non-permit required confined spaces.

Instance 5:

On and prior to January 21, 2011, employees placed their arms and heads inside plasma fractionation tanks. Plasma fractionation tanks are permit required confined spaces. Reaching into the opening of a permit required confined space constitutes an entry under this standard. The employer did not provide and utilize ventilating equipment to ensure acceptable entry conditions are maintained. The employer did not provide and utilize non-entry rescue and emergency equipment needed to comply with subsection (d)(9). The employer did not make prior arrangements for rescue by an outside agency.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/29/2011
\$ 70000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

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JUL 28 2011

OSH Appeals Board

APPEAL FORM

300874211

Inspection Number on Citation

2011-R 4 D1 -1951

Baxter Healthcare Corp.

Employer Name on Citation

1. You only have 15 working days from receipt of a citation to appeal.

dba Baxter Bioscience

Employer Legal Name or DBA (Optional)

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

4501 Colorado Blvd.

Address

Los Angeles, California 90039

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[] CITATION NO(s): 7 Item No(s): 1

[] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

[] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[] The safety order was not violated.

[] The classification (i.e. serious, willful, repeat) is incorrect.

[] The abatement requirements are unreasonable.

[] Required changes [] Time allowed to complete changes

[] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>
Baxter did not authorize its employees to enter any permit-required confined space;

Independent Employee Action Defense

Absence of Employer Knowledge

State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



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Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

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

Title 8 California Code of Regulations Section 5157(d)(6)

Permit-required confined space program (permit space program). Under the permit required confined space program required by subsection (c)(4), the employer shall:

Provide at least one attendant outside the permit space into which entry is authorized for the duration of entry operations;

Note: Attendants may be assigned to monitor more than one permit space provided the duties described in subsection (i) can be effectively performed for each permit space that is monitored. Likewise, attendants may be stationed at any location outside the permit space to be monitored as long as the duties described in subsection (i) can be effectively performed for each permit space that is monitored.

Violation

Employees entered plasma fractionation tanks without the presence of at least one attendant outside the permit space. Plasma fractionation tanks are permit required confined spaces.

Instance 1:

Between January 20, 2011 and January 21, 2011, an employee entered plasma fractionation tank #23 in room 404. The employee entered the tank on five (5) occasions over a four and a half hour period without the presence of an outside attendant. The employee sustained fatal injuries upon entering the tank the fifth time.

Instance 2:

On January 21, 2011, an employee sustained serious injuries after entering plasma fractionation tank #23. The injured employee was attempting to rescue another employee who had collapsed inside the tank. No attendant was present during this tank entry.

Instance 3:

On January 21, 2011, an employee sustained serious injuries requiring hospitalization after attempting to rescue two other employees who had collapsed inside plasma fractionation tank #23.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Instance 4:

On and prior to January 21, 2011, employees placed their arms and heads inside plasma fractionation tanks without the presence of at least one attendant outside the space. Reaching into the opening of a permit required space constitutes an entry under this standard.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/29/2011
\$ 11250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

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OSH Appeals Board

APPEAL FORM

300874211

Inspection Number on Citation

2011-R 4D1 -1952

Baxter Healthcare Corp.

Employer Name on Citation

1. You only have 15 working days from receipt of a citation to appeal.

dba Baxter Bioscience

Employer Legal Name or DBA (Optional)

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

4501 Colorado Blvd.

Address

Los Angeles, California 90039

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[] CITATION NO(s): 8 Item No(s): 1

[] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

[] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[] The safety order was not violated.

[] The classification (i.e. serious, willful, repeat) is incorrect.

[] The abatement requirements are unreasonable.

[] Required changes [] Time allowed to complete changes

[] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>

Baxter did not authorize its employees to enter any permit-required confined space;

This violation is triple-cited with Citation 9, Item 1 and Citation 10, Item 1;

Independent Employee Action Defense / Absence of Employer Knowledge

State of California

Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



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JUL 28 2011

Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

OSH Appeals Board

Citation 8 Item 1 Type of Violation: Willful-Serious-Accident Related

Title 8 California Code of Regulations Section 5157(d)(9)

Permit-required confined space program (permit space program). Under the permit required confined space program required by subsection (c)(4), the employer shall:

Develop and implement procedures for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, for summoning additional rescue and emergency services, and for preventing unauthorized personnel from attempting a rescue;

Violation

On and prior to January 21, 2011, the employer did not implement non-entry rescue procedures for rescuing entrants from permit spaces. The employer did not implement procedures to prevent unauthorized personnel from entering a space to attempt a rescue.

On January 21, 2011, an employee entered plasma fractionation tank #23 in room 404 and collapsed inside the tank. Two additional employees entered the plasma fractionation tank to attempt to rescue the first employee. These two additional employees also collapsed in the oxygen deficient atmosphere in tank number 23. One employee sustained fatal injuries and two other employees sustained serious injuries.

Date By Which Violation Must be Abated:

07/29/2011

Proposed Penalty:

\$ 70000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

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JUL 28 2011

OSH Appeals Board

APPEAL FORM

300874211

Inspection Number on Citation

2011-R 4 DI -1953

Baxter Healthcare Corp.

Employer Name on Citation

1. You only have 15 working days from receipt of a citation to appeal.

dba Baxter Bioscience

Employer Legal Name or DBA (Optional)

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

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Address

Los Angeles, California 90039

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[] CITATION NO(s): 9 Item No(s): 1

[] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

[] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[] The safety order was not violated.

[] The classification (i.e. serious, willful, repeat) is incorrect.

[] The abatement requirements are unreasonable.

[] Required changes [] Time allowed to complete changes

[] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>
Baxter did not authorize its employees to enter any permit-required confined space;

This violation is triple-cited with Citation 8, Item 1 and Citation 10, Item 1;

Independent Employee Action Defense / Absence of Employer Knowledge

State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



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JUL 28 2011

OSH Appeals Board

Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

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

Title 8 California Code of Regulations Section 5157(k)(1)

(k) Rescue and emergency services. The employer shall ensure that at least one standby person at the site is trained and immediately available to perform rescue and emergency services.

(1) The following requirements apply to employers who have employees enter permit spaces to perform rescue services.

(A) The employer shall ensure that each member of the rescue service is provided with, and is trained to use properly, the personal protective equipment and rescue equipment necessary for making rescues from permit spaces.

(B) Each member of the rescue service shall be trained to perform the assigned rescue duties. Each member of the rescue service shall also receive the training required of authorized entrants under subsections (g) and (h).

(C) Each member of the rescue service shall practice making permit space rescues at least once every 12 months, by means of simulated rescue operations in which they remove dummies, manikins, or actual persons from the actual permit spaces or from representative permit spaces. Representative permit spaces shall, with respect to opening size, configuration, and accessibility, simulate the types of permit spaces from which rescue is to be performed.

(D) Each member of the rescue service shall be trained in basic first-aid and in cardiopulmonary resuscitation (CPR). At least one member of the rescue service holding current certification in first aid and in CPR shall be available.

Violation

On January 21, 2011 an employee entered plasma fractionation tank #23 in room 404 and collapsed inside the tank. Plasma fractionation tanks are permit required confined spaces. Two additional employees entered the plasma fractionation tank to attempt to rescue the first employee. These two employees collapsed in the

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

oxygen deficient atmosphere in tank #23. One employee sustained fatal injuries and two other employees sustained serious injuries.

The employer did not ensure that employees who attempted confined space rescues were trained to properly use personal protective equipment and rescue equipment necessary for making rescues from permit spaces. Employees who attempted confined space rescues were not trained to perform rescue duties. Employees who attempted confined space rescues did not practice making permit space rescues at least once every 12 months.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/29/2011
\$ 11250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
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JUL 28 2011

OSH Appeals Board

APPEAL FORM

300874211

Inspection Number on Citation

2011-R 4 D | -1954

Baxter Healthcare Corp.

Employer Name on Citation

1. You only have 15 working days from receipt of a citation to appeal.

dba Baxter Bioscience

Employer Legal Name or DBA (Optional)

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

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Address

Los Angeles, California 90039

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[] CITATION NO(s): 10 Item No(s): 1

[] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

[] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[] The safety order was not violated.

[] The classification (i.e. serious, willful, repeat) is incorrect.

[] The abatement requirements are unreasonable.

[] Required changes [] Time allowed to complete changes

[] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>
Baxter did not authorize its employees to enter any permit-required confined space;

This violation is triple-cited with Citation 8, Item 1 and Citation 9, Item 1;

Independent Employee Action Defense / Absence of Employer Knowledge

State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



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JUL 28 2011

OSH Appeals Board

Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Citation 10 Item 1 Type of Violation: Serious-Accident Related

Title 8 California Code of Regulations Section 5157(k)(3)(B)

(3) To facilitate non-entry rescue, retrieval systems or methods shall be used whenever an authorized entrant enters a permit space, unless the retrieval equipment would increase the overall risk of entry or would not contribute to the rescue of the entrant. Retrieval systems shall meet the following requirements.

(B) The other end of the retrieval line shall be attached to a mechanical device or fixed point outside the permit space in such a manner that rescue can begin as soon as the rescuer becomes aware that rescue is necessary. A mechanical device shall be available to retrieve personnel from vertical type permit spaces more than 5 feet deep.

Violation

On and prior to January 21, 2011, the employer did not employ non-entry rescue, retrieval systems or methods meeting all of the requirements of this subsection during the following confined space entries:

Instance 1:

On January, 21, 2011, an employee entered plasma fractionation tank #23 to rescue an employee inside the tank. The employee was wearing a full body harness and attached self retracting lanyard. The employer did not provide and utilize a mechanical device to facilitate the non-entry rescue of an employee from a vertical permit space which was over 5 feet deep.

Instance 2:

On January, 21, 2011, a second employee entered plasma fractionation tank #23 to rescue two employees inside the tank. The employee was wearing a full body harness and attached self retracting lanyard. The employer did not provide and utilize a mechanical device to facilitate the non-entry rescue of an employee from a vertical permit space which was over 5 feet deep.

Instance 4:

On and prior to January 11, 2011, employees entered plasma fractionation tanks to perform cleaning operations. The employee wore a full body harness and attached self retracting lanyard. The employer did not

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

provide and utilize a mechanical device to facilitate the non-entry rescue of an employee from a vertical permit space which was over 5 feet deep.

Instance 5:

On and prior to January 21, 2011, employees placed their arms and heads inside plasma fractionation tanks. Reaching into the opening of a permit required confined space constitutes an entry under this standard. The employer did not provide and utilize a mechanical device to facilitate the non-entry rescue of an employee from a vertical permit space which was over 5 feet deep.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/29/2011
\$ 22500.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

A P P E A L F O R M

300874211

Inspection Number on Citation

2011-R 4D1 -1955

Baxter Healthcare Corp.

Employer Name on Citation

1. You only have 15 working days from receipt of a citation to appeal.

dba Baxter Bioscience

Employer Legal Name or DBA (Optional)

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

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Address

Los Angeles, California 90039

**FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION**

1. This is an Appeal from:

CITATION NO(s): 11 _____ Item No(s): 1 _____

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): _____ Item No(s): _____

SPECIAL ORDER/SPECIAL ACTION NO: _____
Item No(s): _____

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

The abatement requirements are unreasonable.

Required changes Time allowed to complete changes

The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>
Independent Employee Action Defense

Absence of Employer Knowledge

State of California

Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

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JUL 28 2011

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

OSH Appeals Board

Citation 11 Item 1 Type of Violation: Serious-Accident Related

Title 8 California Code of Regulations Section 5194(h)(2)(E)

Employee Information and Training.

Information and training shall consist of at least the following topics:

Employees shall be trained in the physical and health hazards of the substances in the work area, and the measures they can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous substances, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.

Reference: Title 8 CCR Section 5194(h)(1)

Employers shall provide employees with effective information and training on hazardous substances in their work area at the time of their initial assignment, and whenever a new hazard is introduced into their work area. Information and training may relate to general classes of hazardous substances to the extent appropriate and related to reasonably foreseeable exposures of the job.

Violation

On and prior to January 21, 2011, employees were not effectively trained in the physical and health hazards of nitrogen gas used in the workplace. Employees did not understand the imminent hazards associated with nitrogen, an asphyxiant gas that can create an oxygen deficient atmosphere. Employees were not trained in the measures they can use to protect themselves from these hazards, including appropriate work practices, emergency procedures, and personal protective equipment.

On January 21, 2011 an employee was instructed by his supervisor to introduce nitrogen gas into plasma fractionation tank #23. The nitrogen gas sparging was used to agitate the plasma and ethanol liquid inside the tank. The employee entered into and collapsed in the oxygen deficient atmosphere inside the tank. Two additional employees entered the plasma fractionation tank to attempt to rescue the first employee. One employee later died from his injuries and the two other employees sustained serious injuries. One of these employees remains hospitalized with severe injuries.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Date By Which Violation Must be Abated:
Proposed Penalty:

Abated
\$ 22500.00

Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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JUL 28 2011

OSH Appeals Board

State of California
Division of Occupational Safety and Health
320 West 4th St., Suite 850
Los Angeles, CA 90013
Phone: (213) 576-7451 Fax: (213) 576-7461

NOTICE OF PROPOSED PENALTIES

Company Name: Baxter Healthcare Corp dba Baxter Bioscience

Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Mailing Address: 4501 Colorado Blvd., Los Angeles, CA 90039

Issuance Date: 07/19/2011

Reporting ID: 0950641

Index Code: 4041

Summary of Penalties for Inspection Number 300874211

Citation 1, General	= \$	1250.00
Citation 2, Serious	= \$	7000.00
Citation 3, Serious	= \$	11250.00
Citation 4, Serious	= \$	11250.00
Citation 5, Serious	= \$	7000.00
Citation 6, Serious	= \$	7000.00
Citation 7, Serious	= \$	11250.00
Citation 8, Serious	= \$	7000.00
Citation 9, Serious	= \$	11250.00
Citation 10, Serious	= \$	22500.00
Citation 11, Serious	= \$	22500.00
TOTAL PROPOSED PENALTIES	= \$	371250.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

State of California
Division of Occupational Safety and Health
320 West 4th St., Suite 850
Los Angeles, CA 90013
Phone: (213) 576-7451 Fax: (213) 576-7461

RECEIVED

JUL 28 2011

OSH Appeals Board



Citation and Notification of Penalty

To:
Baxter Healthcare Corp dba Baxter Bioscience
and its successors
4501 Colorado Blvd.
Los Angeles, CA 90039

Inspection Number: 300874211
Inspection Date(s): 01/21/2011 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Report #: 024-11
Reporting ID: 0950641

Inspection Site:
4501 Colorado Blvd.
Los Angeles, CA 90039

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 (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.