

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington Street, Room W195  
Indianapolis, Indiana 46204  
Phone: (317) 232-1979 FAX: (317) 233-3790



## Safety Order and Notification of Penalty

**To:**  
Premier Hydraulic Augers, Inc.  
and its successors  
2707 Lofty Dr.  
Fort Wayne, IN 46808

**Inspection Number:** 1709317  
**CSHO ID:** K1084  
**Optional Report No.:** 23-23  
**Inspection Date(s):** 11/08/2023 - 01/11/2024  
**Issuance Date:** 02/14/2024

**Inspection Site:**  
2707 Lofty Dr.  
Fort Wayne, IN 46808

*The violation(s) described in this Safety Order 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.*

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An inspection of your workplace of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules or provisions of the statute and stating the amount of any penalty(ies).

**Informal Conference – Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.**

**Right to Contest –** You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. (“Working days” means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor’s offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s)

and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent board appointed by the governor with authority to conduct legal proceedings leading up to and including administrative hearings or assign an Administrative Law Judge (ALJ) to conduct the same, and to issue decisions concerning disputed safety orders and notifications of penalties. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

**Posting** - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

**Penalties** - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

**Abatement** - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

**PMA's** - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(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) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

**Notification of Corrective Action** - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty.

**Followup Inspections** - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

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

**Notice to Employees** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

**Indiana Department of Labor**

Indiana Occupational Safety and Health Administration  
402 West Washington Street, Room W195  
Indianapolis, Indiana 46204  
Phone: (317) 232-1979 FAX: (317) 233-3790



**NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with IOSHA to discuss the Safety Order(s) issued on 02/14/2024.

The Informal Conference will be held:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_ **Virtually/Telephonically via Microsoft Teams**

Call-in Number: \_\_\_\_\_

Conference ID: \_\_\_\_\_

\_\_\_\_\_ **In-person at the Indiana Department of Labor, located at the following address:**

402 West Washington Street, Room W195  
Indianapolis, Indiana 46204

Meeting/Conference Room: \_\_\_\_\_

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

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1709317  
**CSHO ID:** K1084  
**Optional Report No.:** 23-23  
**Inspection Date(s):** 11/08/2023 - 01/11/2024  
**Issuance Date:** 02/14/2024



**Safety Order and Notification of Penalty**

**Company Name:** Premier Hydraulic Augers, Inc.  
**Inspection Site:** 2707 Lofty Dr., Fort Wayne, IN 46808

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Safety Order 1 Item 1      Type of Violation: **Serious**

29 CFR 1910.107(c)(3): Hot surfaces were located in spraying area(s) where deposits of combustible residues could readily accumulate:

Paint Room - Employees were exposed to fire hazards when propane forklifts, not designed to operate in hazardous areas, were operating inside the paint room around painting activities.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 01, 2024  
\$3,600.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1709317  
**CSHO ID:** K1084  
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**Safety Order and Notification of Penalty**

**Company Name:** Premier Hydraulic Augers, Inc.  
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Safety Order 1 Item 2      Type of Violation: **Serious**

29 CFR 1910.107(c)(5): Electrical equipment not approved for locations containing both deposits of readily ignitable residues and explosive vapors was present in spraying area(s):

Paint Room - Employees were exposed to fire hazards when a regular electrical outlet was being used within the spray painting area to power a fan and the spray equipment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 01, 2024  
\$3,600.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1709317  
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**Safety Order and Notification of Penalty**

**Company Name:** Premier Hydraulic Augers, Inc.  
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Safety Order 1 Item 3      Type of Violation: **Serious**

29 CFR 1910.107(e)(5): Container(s) supplying spray nozzles were not of the closed type or provided with metal cover(s) kept closed:

Paint Room - Employees were exposed to fire hazards when five 5-gallon buckets of water/paint thinner used to soak the airless paint sprayers were not covered to prevent the escape of flammable vapors.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$3,600.00



**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Safety Order and Notification of Penalty**

**Company Name:** Premier Hydraulic Augers, Inc.  
**Inspection Site:** 2707 Lofty Dr., Fort Wayne, IN 46808

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Safety Order 1 Item 4      Type of Violation: **Serious**

29 CFR 1910.107(g)(2): All spraying areas were not kept as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary:

Paint Room - Employees were exposed to fire hazards when accumulations of paint residues accumulated on surfaces such as, but not limited to, the cinderblock walls, concrete floor, and electrical panel.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 01, 2024  
\$3,600.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1709317  
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**Safety Order and Notification of Penalty**

**Company Name:** Premier Hydraulic Augers, Inc.  
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Safety Order 1 Item 5      Type of Violation: **Serious**

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

- a) Prep Area - Employees were exposed to caught-on hazards when the rotating chuck and bit of the Fryer Mill MB-R were not adequately guarded.
- b) Prep Area - Employees were exposed to amputation hazards when the unused portion of the blade of the Amada saw horizontal band saw was not adequately guarded.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 01, 2024  
\$2,400.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1709317  
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**Safety Order and Notification of Penalty**

**Company Name: Premier Hydraulic Augers, Inc.**  
**Inspection Site: 2707 Lofty Dr., Fort Wayne, IN 46808**

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Safety Order 1 Item 6      Type of Violation: **Serious**

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

Prep Area - Employees were exposed to amputation hazards when the Scotchman Ironworker was not adequately guarded.

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 01, 2024  
\$2,400.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1709317  
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**Safety Order and Notification of Penalty**

**Company Name: Premier Hydraulic Augers, Inc.**  
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Safety Order 1 Item 7      Type of Violation: **Serious**

29 CFR 1910.243(c)(3): Abrasive wheels used on vertical portable grinder(s) (right angle head grinders) were not provided with safety guard(s) having a maximum exposure angle of 180 degrees and located between the operator and wheel:

- a) Welding Area - Employees were exposed to struck by hazards when 1 DeWalt right angle head grinder and 4 Metabo right angle grinders were not guarded.
- b) Assembly Area - Employees were exposed to struck by hazards when a Metabo right angle head grinder was not guarded.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 01, 2024  
\$1,800.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Safety Order and Notification of Penalty**

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

**Safety Order 1 Item 8 a**    Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one-eighth inch:

Prep Area - An employee was exposed to struck-by hazards when sharpening bits on the Performax bench grinder when the work rest was missing on the left side and the work rest on the right side had an opening of more than one-eighth inch.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$1,800.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Safety Order and Notification of Penalty**

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**Inspection Site: 2707 Lofty Dr., Fort Wayne, IN 46808**

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Safety Order 1 Item 8 b    Type of Violation: **Serious**

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch:

Prep Area - An employee was exposed to struck-by hazards when sharpening bits on the Performax bench grinder when the tongue guards were not adjusted to 1/4 inch of the wheel.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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Safety Order 1 Item 8 c    Type of Violation: **Serious**

29 CFR 1910.215(d)(3): The contact surface(s) of wheel(s), blotter(s) or flange(s) on grinding machine(s) were not flat and free of foreign matter:

Prep Area - An employee was exposed to struck-by hazards when the abrasive wheel on the right side of the Performax bench grinder developed a groove when bits for the CNC were sharpened.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Safety Order and Notification of Penalty**

**Company Name:** Premier Hydraulic Augers, Inc.  
**Inspection Site:** 2707 Lofty Dr., Fort Wayne, IN 46808

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Safety Order 2 Item 1      Type of Violation: **Non Serious**

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

Paint Room - Employees were required to wear a 3M half-mask air-purifying respirator with an organic vapor cartridge when painting augers and brush cutters with an airless paint gun.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 01, 2024  
\$0.00



**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Safety Order and Notification of Penalty**

**Company Name:** Premier Hydraulic Augers, Inc.  
**Inspection Site:** 2707 Lofty Dr., Fort Wayne, IN 46808

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Safety Order 2 Item 2      Type of Violation: **Non Serious**

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

Paint Room - Employees were required to wear a 3M half-mask air-purifying respirator with an organic vapor cartridge when painting augers and brush cutters with an airless paint gun.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 01, 2024  
\$0.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Safety Order and Notification of Penalty**

**Company Name:** Premier Hydraulic Augers, Inc.  
**Inspection Site:** 2707 Lofty Dr., Fort Wayne, IN 46808

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Safety Order 2 Item 3      Type of Violation: **Non Serious**

29 CFR 1910.134(f)(1): The employer did not ensure that employee(s) required to use a tight-fitting facepiece respirator passed the appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT):

Paint Room - Employees were required to wear a 3M half-mask air-purifying respirator with an organic vapor cartridge when painting augers and brush cutters with an airless paint gun.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

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\$0.00

**Indiana Department of Labor**  
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**Safety Order and Notification of Penalty**

**Company Name:** Premier Hydraulic Augers, Inc.  
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Safety Order 2 Item 4      Type of Violation: **Non Serious**

29 CFR 1910.134(g)(1)(i)(A): Respirators with tight-fitting facepieces were worn by employees who had facial hair that came between the sealing surface of the facepiece and the face or that interfered with valve function:

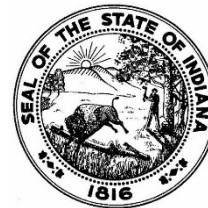
Paint Room - Employees were required to wear a 3M half-mask air-purifying respirator with an organic vapor cartridge when painting augers and brush cutters with an airless paint gun.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 01, 2024  
\$0.00

  
Jameson Berry  
IOSHA Director



## INVOICE/DEBT COLLECTION NOTICE

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**Company Name: Premier Hydraulic Augers, Inc.**  
**Inspection Site: 2707 Lofty Dr., Fort Wayne, IN 46808**  
**Issuance Date: 02/14/2024**

**Summary of Penalties for Inspection Number: 1709317**

Safety Order 1 Item 1, Serious	\$3,600.00
Safety Order 1 Item 2, Serious	\$3,600.00
Safety Order 1 Item 3, Serious	\$3,600.00
Safety Order 1 Item 4, Serious	\$3,600.00
Safety Order 1 Item 5, Serious	\$2,400.00
Safety Order 1 Item 6, Serious	\$2,400.00
Safety Order 1 Item 7, Serious	\$1,800.00
Safety Order 1 Item 8a, Serious	\$1,800.00
Safety Order 1 Item 8b, Serious	\$0.00
Safety Order 1 Item 8c, Serious	\$0.00
Safety Order 2 Item 1, Non Serious	\$0.00
Safety Order 2 Item 2, Non Serious	\$0.00
Safety Order 2 Item 3, Non Serious	\$0.00
Safety Order 2 Item 4, Non Serious	\$0.00

**TOTAL PROPOSED PENALTIES: \$22,800.00**

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Penalties are due within fifteen (15) working days of receipt of this notification unless requested. Make your check or money order payable to: "Indiana DOL/IOSHA." Please indicate IOSHA's Inspection Number (indicated above) on the remittance. You may also make a payment online at <https://payingov.com/dol/>. Your account number is your inspection number.

IOSHA 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.

Corrective action taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A worksheet has been provided to assist in providing the required abatement information. A completed copy of this worksheet should be posted at the worksite with safety orders.



Jameson Berry  
IOSHA Director

2/14/2024

Date