

Indiana Department of Labor

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



Safety Order and Notification of Penalty

To:
Selected Furniture, LLC
and its successors
1001 West Culver Road
Knox, IN 46534

Inspection Number: 318131471
CSHO ID: I7062
Optional Report No.: 2330-21
Inspection Date(s): 6/2/2021 - 10/13/2021
Issuance Date: 12/13/2021

Inspection Site:
1001 West Culver Road
Knox, IN 46534

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.

An inspection of your place 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 of the 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 and 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.

PMAs - 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

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 12/13/2021. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Indiana Department of Labor
Occupational Safety and Health Administration

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Optional Report No.: 2330-21

Safety Order and Notification of Penalty

Company Name: Selected Furniture, LLC
Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 001 Type of Violation: **Serious**

29 CFR 1910.106(d)(4)(i): The openings to other rooms or buildings from inside storage rooms were not provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height or the floor in the storage area was not at least 4 inches below the surrounding floor. A permissible alternate to the sill or ramp is an open-grated trench inside of the room which drains to a safe location:

Inside storage room (old bathroom)- Employees were exposed to fire or combustion hazards when retrieving chemicals or working near the chemical storage room where the spray booth flammable paints, dyes, stains, and primers are kept when construction of the storage area was not adequate to reduce exposure to fire hazards.

The employer did not provide employee(s) with a storage room to meet the construction set forth in NFPA 251-1969. The room was not constructed to meet a fire rating and capacity, ensure proper installation of electrical wiring, adequate ventilation, and aisle clearance to provide egress to an employee working in that area in the event of an emergency.

Date By Which Violation Must Be Abated: **1/17/2022**
Proposed Penalty: **\$4,000.00**

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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 01 Item 003a Type of Violation: **Serious**

29 CFR 1910.106(e)(6)(i): Adequate precautions were not taken to prevent the ignition of flammable vapors:

- a) Carpentry/Milling area, near upholstery - Employees were exposed to fire hazards when the 55-gallon drum of Wilsonart 500 Brush and Roller grade contact adhesive, which was a Category 2 flammable liquid, was not effectively grounded.

- b) Stain Dips - Employees were exposed to fire hazards when the open and stored 55-gallon and 15-gallon containers of Sherwood Dye Stain DMA and Sherwood Mahogany Dip, which were Category 2 flammable liquids, was not grounded.

Date By Which Violation Must Be Abated: **1/17/2022**
Proposed Penalty: **\$3,000.00**

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Safety Order 01 Item 003b Type of Violation: **Serious**

29 CFR 1910.106(e)(6)(ii): Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 °F (37.8 °C), were dispensed into containers without electrically interconnecting the nozzle and container:

Carpentry/Milling area near upholstery- Employees were exposed to fire hazards from static electricity when dispensing the Wilsonart Category 2 flammable liquid from a 55 gallon metal drum without bonding between containers during transfer.

Stain Dips- Employees were exposed to fire hazards from static electricity when transferring Sherwood Dye Stain DMA & Sherwood Mahogany Dip, category 2 flammable liquids, from 55 gallon metal drums or plastic 5 gallon buckets without bonding between containers during transfer.

Date By Which Violation Must Be Abated: **1/17/2022**
Proposed Penalty: **\$0.00**

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Safety Order 01 Item 004 Type of Violation: **Serious**

29 CFR 1910.125(a): Dip tank was not made of noncombustible material:

Dip Area - Employees were exposed to fire hazards when dipping furniture into unapproved 150-gallon polyethylene containers.

Date By Which Violation Must Be Abated: **1/17/2022**
Proposed Penalty: **\$3,000.00**

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Safety Order 01 Item 005 Type of Violation: **Serious**

29 CFR 1910.125(e)(4): All vapor areas were not free of combustible debris and as free as practicable of combustible stock; rags and other material contaminated with liquids from dipping or coating operations were not placed in approved waste cans immediately after use; and waste can contents were not properly disposed of at the end of each shift:

Dip station - Employees were exposed to fire hazards when working around the dip station where contaminated material such as, but not limited to, used gloves, cardboard, and rags were not kept in closed waste can nor disposed of daily.

Date By Which Violation Must Be Abated: **1/17/2022**
Proposed Penalty: **\$4,000.00**

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Safety Order 01 Item 006 Type of Violation: **Serious**

29 CFR 1910.125(f)(2)(i): Vapor area(s) were not provided with manual fire extinguishers that were suitable for flammable and combustible liquid fires and that conformed to the requirements of section 1910.157:

Dip Station - Employees were were exposed to fire hazards when dipping furniture in, such as but not limited to, Sherwood Dye Stain DMA and Mahogany Dip, which were Category 2 flammable liquids. No means of fire suppression was in the immediate area.

Date By Which Violation Must Be Abated: **1/17/2022**
Proposed Penalty: **\$3,000.00**

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Safety Order 01 Item 007

Type of Violation: **Serious**

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

Facility wide - Employees were exposed to struck by hazards when operating the sit down LP forklift, without having had completed training and being evaluated.

Date By Which Violation Must Be Abated: 1/17/2022
Proposed Penalty: \$6,000.00

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Safety Order 01 Item 008 Type of Violation: **Serious**

29 CFR 1910.1001(j)(3)(i): Building and facility owners did not determine the presence, location, and quantity of asbestos containing material (ACM) and/or PACM at the work site. Employers and building and facility owners did not exercise due diligence in complying with these requirements to inform employers and employees about the presence and location of ACM and PACM:

Drying Room, benches spray booth area - Employees were exposed to asbestos when the ceiling tiles were falling and being cleaned up. No determination of the presence of asbestos or asbestos containing materials was performed facility wide.

Date By Which Violation Must Be Abated: **1/17/2022**
Proposed Penalty: **\$4,000.00**

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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 01 Item 009a Type of Violation: **Serious**

29 CFR 1910.1052(d)(1)(i): Where methylene chloride was present in the workplace, the employer did not determine each employee's exposure:

Upholstery - Employees were exposed to methylene chloride when spraying Kwik Spray 225 spray adhesive. An employee was exposed to methylene chloride at 10.22 parts per million (ppm) for an 8-hour time-weighted average (TWA). The exposure level was derived from a 416 minute sampling period on 6/17/2021. Zero exposure was assumed for the 64 minutes not sampled.

Date By Which Violation Must Be Abated: **1/17/2022**
Proposed Penalty: **\$4,000.00**

