



INDIANA

DEPARTMENT OF LABOR

ERIC J. HOLCOMB, GOVERNOR

David Redden, Commissioner

402 West Washington Street, Room W195

Indianapolis, Indiana 46204-2751

Phone: (317) 232-2655

Fax: (317) 233-3790

Safety Order and Notification of Penalty

To:

Dalex Fabrication and Machining
and its successors
925 N Fruitridge Ave
Terre Haute, IN 47803

Inspection Number: 1588460

CSHO ID: Q9916

Optional Report No.: UNKNOWN

Inspection Date(s): 04/05/2022 - 09/14/2022

Issuance Date: 10/25/2022

Inspection Site:

925 N Fruitridge Ave
Terre Haute, IN 47803

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 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.

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 citation(s) issued on 10/25/2022.

The Informal Conference will be held:

_____ 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: 1588460
CSHO ID: Q9916
Optional Report No.: UNKNOWN
Inspection Date(s): 04/05/2022 - 09/14/2022
Issuance Date: 10/25/2022

Safety Order and Notification of Penalty

Company Name: Dalex Fabrication and Machining
Inspection Site: 925 N Fruitridge Ave, Terre Haute, IN 47803

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

29 CFR 1910.37(b)(5): Each doorway or passage along an exit access that could be mistaken for an exit must be marked "Not an Exit" or similar designation, or be identified by a sign indicating its actual use (e.g., closet).

Dalex Fabrication and Machining - 925 N Fruitridge Ave Terre Haute, IN 47803 - Welding Shop/Machine Shop - employee's were exposed to emergency egress hazards due to two instances of exterior doors not being marked as "Not an Exit".

Mark exits located in working spaces with "Not an exit" signage.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	December 09, 2022
Proposed Penalty:	\$2,100.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1588460
CSHO ID: Q9916
Optional Report No.: UNKNOWN
Inspection Date(s): 04/05/2022 - 09/14/2022
Issuance Date: 10/25/2022

Safety Order and Notification of Penalty

Company Name: Dalex Fabrication and Machining
Inspection Site: 925 N Fruitridge Ave, Terre Haute, IN 47803

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

29 CFR 1910.106(d)(3)(ii)(a):Metal cabinets constructed in the following manner shall be deemed to be in compliance. The bottom, top, door, and sides of cabinet shall be at least No. 18 gage sheet iron and double walled with 1 1/2 - inch air space. Joints shall be riveted, welded or made tight by some equally effective means. The door shall be provided with a three-point lock, and the door sill shall be raised at least 2 inches above the bottom of the cabinet.

Dalex Fabrication and Machining - 925 N Fruitridge Ave Terre Haute, IN 47803 - Welding Shop - Paint Area Storage Cabinet - employees were exposed to fire hazards due to approximately 7 containers of flammable liquid being stored in a cabinet that was not rated to store flammable liquids.

Remove flammable materials from cabinet

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	December 09, 2022
Proposed Penalty:	\$2,100.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1588460
CSHO ID: Q9916
Optional Report No.: UNKNOWN
Inspection Date(s): 04/05/2022 - 09/14/2022
Issuance Date: 10/25/2022

Safety Order and Notification of Penalty

Company Name: Dalex Fabrication and Machining
Inspection Site: 925 N Fruitridge Ave, Terre Haute, IN 47803

Safety Order 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.212(a)(1): Guard(s) on machine(s) were not affixed to the machine or secured elsewhere when attachment to the machine was not possible:

Dalex Fabrication and Machining - 925 N Fruitridge Ave Terre Haute, IN 47803 - Welding Shop/Machine Shop - Metalworking Bandsaws (JF and HemSaw) - During industrial activities, machine guarding was not adequate as to protect employee from contacting moving parts.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

December 09, 2022
\$2,100.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1588460
CSHO ID: Q9916
Optional Report No.: UNKNOWN
Inspection Date(s): 04/05/2022 - 09/14/2022
Issuance Date: 10/25/2022

Safety Order and Notification of Penalty

Company Name: Dalex Fabrication and Machining
Inspection Site: 925 N Fruitridge Ave, Terre Haute, IN 47803

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

29 CFR 1910.212(a)(3)(ii): The point of operation of machines whose operation exposed an employee to injury, was not guarded:

Dalex Fabrication and Machining - 925 N Fruitridge Ave Terre Haute, IN 47803 - Welding Shop/Machine Shop - employees were exposed to point of operation hazards on approximately 4 different machines that were used on a daily basis.

Install proper guarding on equipment

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	December 09, 2022
Proposed Penalty:	\$2,100.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1588460
CSHO ID: Q9916
Optional Report No.: UNKNOWN
Inspection Date(s): 04/05/2022 - 09/14/2022
Issuance Date: 10/25/2022

Safety Order and Notification of Penalty

Company Name: Dalex Fabrication and Machining
Inspection Site: 925 N Fruitridge Ave, Terre Haute, IN 47803

Safety Order 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Work rests. On offhand grinding machines, work rests shall be used to support the work. They shall be of rigid construction and designed to be adjustable to compensate for wheel wear. Work rests shall be kept adjusted closely to the wheel with a maximum opening of one-eighth inch to prevent the work from being jammed between the wheel and the rest, which may cause wheel breakage. The work rest shall be securely clamped after each adjustment. The adjustment shall not be made with the wheel in motion.

Dalex Fabrication and Machining - 925 N Fruitridge Ave Terre Haute, IN 47803 - Welding shop - Employer exposed employees to hazardous conditions by allowing the use of 3 offhand grinding machines with inadequate spacing between work rests and grinding wheels.

Correct spacing between work rests and grinding wheels.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	December 09, 2022
Proposed Penalty:	\$1,800.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1588460
CSHO ID: Q9916
Optional Report No.: UNKNOWN
Inspection Date(s): 04/05/2022 - 09/14/2022
Issuance Date: 10/25/2022

Safety Order and Notification of Penalty

Company Name: Dalex Fabrication and Machining
Inspection Site: 925 N Fruitridge Ave, Terre Haute, IN 47803

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

29 CFR 1910.215(d)(3):Surface condition. All contact surfaces of wheels, blotters and flanges shall be flat and free of foreign matter.

Dalex Fabrication and Machining - 925 N Fruitridge Ave Terre Haute, IN 47803 - Welding Shop/Machine Shop - Employer exposed employees to hazards by utilizing an abrasive wheel to sharpen tungsten rods, resulting in contact surface being grooved.

Replace abrasive wheels used to sharpen tungsten rods with new wheel

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	December 09, 2022
Proposed Penalty:	\$1,800.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1588460
CSHO ID: Q9916
Optional Report No.: UNKNOWN
Inspection Date(s): 04/05/2022 - 09/14/2022
Issuance Date: 10/25/2022

Safety Order and Notification of Penalty

Company Name: Dalex Fabrication and Machining
Inspection Site: 925 N Fruitridge Ave, Terre Haute, IN 47803

Safety Order 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.243(c)(3): Vertical portable grinders. Safety guards used on machines known as right angle head or vertical portable grinders shall have a maximum exposure angle of 180 deg., and the guard shall be so located so as to be between the operator and the wheel during use. Adjustment of guard shall be such that pieces of an accidentally broken wheel will be deflected away from the operator. (See Figure P-4.)

Dalex Fabrication and Machining - 925 N Fruitridge Ave Terre Haute, IN 47803 - Welding Shop/Machine Shop - employer exposed employees to hazardous conditions by allowing the use of vertical portable grinders without the use of guards and/or handles.

Install guards and handles on angle grinders. Do not operate without guards or handles.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	December 09, 2022
Proposed Penalty:	\$2,100.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1588460
CSHO ID: Q9916
Optional Report No.: UNKNOWN
Inspection Date(s): 04/05/2022 - 09/14/2022
Issuance Date: 10/25/2022

Safety Order and Notification of Penalty

Company Name: Dalex Fabrication and Machining
Inspection Site: 925 N Fruitridge Ave, Terre Haute, IN 47803

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

29 CFR 1910.303(f)(2):Services, feeders, and branch circuits. Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident.

Dalex Fabrication and Machining - 925 N Fruitridge Ave Terre Haute, IN 47803 - Welding Shop/Machine Shop - employer exposed employees to hazardous conditions due to 13 voltage service boxes being improperly labeled with no indication of their purpose or the voltage that the employees could be exposed to.

Provide proper markings on panels indicating what the panel powers. Some panels are located in close proximity to other panels or behind machinery.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: December 09, 2022
Proposed Penalty: \$2,100.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1588460
CSHO ID: Q9916
Optional Report No.: UNKNOWN
Inspection Date(s): 04/05/2022 - 09/14/2022
Issuance Date: 10/25/2022

Safety Order and Notification of Penalty

Company Name: Dalex Fabrication and Machining
Inspection Site: 925 N Fruitridge Ave, Terre Haute, IN 47803

Safety Order 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.303(g)(1):Space about electric equipment. Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

Dalex Fabrication and Machining - 925 N Fruitridge Ave Terre Haute, IN 47803 - Welding Shop/Machine Shop - employer exposed employees to hazardous conditions due to 5 voltage service boxes being blocked from access by means of temporary storage, or permanently fixed structures.

Remove all materials blocking electrical panels in order to ensure access

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	December 09, 2022
Proposed Penalty:	\$2,100.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1588460
CSHO ID: Q9916
Optional Report No.: UNKNOWN
Inspection Date(s): 04/05/2022 - 09/14/2022
Issuance Date: 10/25/2022

Safety Order and Notification of Penalty

Company Name: Dalex Fabrication and Machining
Inspection Site: 925 N Fruitridge Ave, Terre Haute, IN 47803

Safety Order 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.334(a)(2)(ii): If there is a defect or evidence of damage that might expose an employee to injury, the defective or damaged item shall be removed from service, and no employee may use it until repairs and tests necessary to render the equipment safe have been made.

Dalex Fabrication and Machining - 925 N Fruitridge Ave Terre Haute, IN 47803 - Welding Shop/Machine Shop - employer exposed employees to hazardous conditions due to 24 documented instances of damaged cables varying in voltage throughout the facility.

Replace damaged electrical cords that are missing grounding pins

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	December 09, 2022
Proposed Penalty:	\$2,100.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1588460
CSHO ID: Q9916
Optional Report No.: UNKNOWN
Inspection Date(s): 04/05/2022 - 09/14/2022
Issuance Date: 10/25/2022

Safety Order and Notification of Penalty

Company Name: Dalex Fabrication and Machining
Inspection Site: 925 N Fruitridge Ave, Terre Haute, IN 47803

Safety Order 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.178(a)(6):The user shall see that all nameplates and markings are in place and are maintained in a legible condition.

Dalex Fabrication and Machining - 925 N Fruitridge Ave Terre Haute, IN 47803 - Welding Shop/Machine Shop - employer exposed employees to hazardous conditions due to 2 out of 5 fork trucks having illegible data/nameplates.

Replace forklift nameplates with legible nameplates

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

December 09, 2022

Proposed Penalty:

\$1,200.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1588460
CSHO ID: Q9916
Optional Report No.: UNKNOWN
Inspection Date(s): 04/05/2022 - 09/14/2022
Issuance Date: 10/25/2022

Safety Order and Notification of Penalty

Company Name: Dalex Fabrication and Machining
Inspection Site: 925 N Fruitridge Ave, Terre Haute, IN 47803

Safety Order 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.107(g)(2):Cleaning. All spraying areas shall be kept as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary. Scrapers, spuds, or other such tools used for cleaning purposes shall be of nonsparking material.

Dalex Fabrication and Machining - 925 N Fruitridge Ave Terre Haute, IN 47803 - Welding Shop/Machine Shop - employee's were exposed to hazardous conditions due to accumulation of combustible residue from overspray in the paint area of the facility.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

December 09, 2022

Proposed Penalty:

\$2,100.00



Jeremy Galloway
Director of Safety

JG: lr-h



INDIANA

DEPARTMENT OF LABOR

ERIC J. HOLCOMB, GOVERNOR
David Redden, Commissioner
402 West Washington Street, Room W195
Indianapolis, Indiana 46204-2751
Phone: (317) 232-2655
Fax: (317) 233-3790

INVOICE/DEBT COLLECTION NOTICE

Company Name: Dalex Fabrication and Machining
Inspection Site: 925 N Fruitridge Ave, Terre Haute, IN 47803
Issuance Date: 10/25/2022

Summary of Penalties for Inspection Number: 1588460

Citation 1 Item 1, Serious	\$2,100.00
Citation 1 Item 2, Serious	\$2,100.00
Citation 1 Item 3, Serious	\$2,100.00
Citation 1 Item 4, Serious	\$2,100.00
Citation 1 Item 5, Serious	\$1,800.00
Citation 1 Item 6, Serious	\$1,800.00
Citation 1 Item 7, Serious	\$2,100.00
Citation 1 Item 8, Serious	\$2,100.00
Citation 1 Item 9, Serious	\$2,100.00
Citation 1 Item 10, Serious	\$2,100.00
Citation 1 Item 11, Serious	\$1,200.00
Citation 1 Item 12, Serious	\$2,100.00

TOTAL PROPOSED PENALTIES: \$23,700.00

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.



Jeremy Galloway
Director of Safety

10.25.2022

Date

JG: lr-h