

SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as "Commissioner") and Fortville Feeders, Inc. (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty IOSHA Inspection No. 317865103 issued to the Employer on October 20, 2015 in the following manner:

SAFETY ORDER 01:

- Item 1: Uphold. Penalty is reduced to \$687.50. Abatement date extended to February 28, 2016.
- Item 2: Uphold. Penalty is reduced to \$687.50. Abatement date extended to February 28, 2016.
- Item 3: Uphold. Penalty is reduced to \$687.50. Abatement completed.
- Item 4a-4b: Uphold. Penalty is reduced to \$687.50. Abatement date extended to February 28, 2016.
- Item 5a-5b: Uphold. Penalty is reduced to \$687.50. Abatement date extended to February 28, 2016.
- Item 6 and 7: Uphold and Group. Penalty remains \$687.50. Abatement date extended to February 28, 2016.
- Item 8a-8c: Uphold. Penalty is reduced to \$687.50. Abatement date extended to February 28, 2016.

Items 9-14 and Safety Order 2 Item 2: Uphold and Group. Penalty is \$125.00 for the group.
Abatement date extended to February 28, 2016.

- Item 15: Uphold. Penalty is reduced to \$125.00. Abatement date extended to February 28, 2016.
- Item 16a-16b: Uphold. Penalty is reduced to \$125.00. Abatement date extended to February 28, 2016.
- Item 17: Uphold. Penalty is reduced to \$125.00. Abatement date extended to February 28, 2016.

SAFETY ORDER 02:

- Item 1: Uphold. Penalty remains \$0.00. Abatement date extended to February 28, 2016.
- Item 2: Uphold and Group with Safety Order 1 Items 9-14. Penalty reduced to \$0.00.
Abatement date extended to February 28, 2016.

The TOTAL AGREED PENALTY is \$5312.50

The first of twelve payments of \$442.70 will be due and payable on the 25th of January and the next eleven payments are due on the 25th of each consecutive month with the last payment of \$442.50 due and payable on December 25, 2016.

THE EMPLOYER IS SATISFIED WITH THE AMENDMENTS STATED ABOVE AND ACCORDINGLY WAIVES ITS RIGHT TO FILE A NOTICE OF CONTEST OF THE SAFETY ORDER(S) AND NOTIFICATION(S) OF PENALTY AS AMENDED AND AGREES TO WITHDRAW ANY PREVIOUSLY FILED NOTICES OF CONTEST IN THIS MATTER.

Upon full execution of this Settlement Agreement ("Agreement") the Employer will post this Agreement for three (3) working days or until abatement is completed, whichever period is longer.

The total AGREED PENALTY is due and payable as agreed above. The Employer further agrees that if the AGREED PENALTY is not paid as agreed that the full amount of the penalty initially assessed against the Employer in the Safety Order(s) and Notification(s) of Penalty which are the subject of this Agreement is due and payable immediately.

The Safety Order(s) and Notification(s) of Penalty are, and shall be, herein a final and enforceable Order of the Board of Safety Review.

Except for this Agreement, and IOSHA matters arising out of this Agreement, and any other subsequent IOSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by Employer shall be deemed an admission by Employer of the allegations contained within the Safety Order(s) and Notification(s) of Penalty. The agreements, statements, findings and actions taken herein are made in order to compromise and settle this IOSHA matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

FORTVILLE FEEDERS, INC.

By: Jason Crouse

Title: President

Date: 12/29/15

COMMISSIONER OF LABOR

By: [Signature]

Title: Director

Date: 12/29/15

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington St - Room W195
Indianapolis, IN 46204
Phone: 317-232-2691 FAX: (317)233-3790



Certified mail # 917190 0005 2720 0050 6174 10-20-15 jta

Safety Order and Notification of Penalty

To:
Fortville Feeders Incorporated
PO Box 70
Fortville, IN 46040

Inspection Number: 317865103
CSHO ID: K9590
Optional Report No.: 0001-15
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015

Inspection Site:
750 East Broadway
Fortville, IN 46040

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 agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. 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 10/20/2015. 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

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

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

29CFR 1910.106(e)(2)(iv)(a) Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 °F (37.8 °C), were not kept in covered containers when not actually in use.

Beside Spray Booth – On June 18, 2015, and time prior to, one (1), 50 gallon waste drum that contained a mixture of flammable liquids including, but not limited to; Superior Oil Company Super 16 paint gun cleaner (Category 2 flammable liquid) and Sherwin Williams Company Urethane Alkyd Enamel, Ultradeep Base (Category 3 flammable liquid) was not closed when not in use creating a vapor source and a potential fire hazard.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$1,575.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
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Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

Safety Order 01 Item 002

Type of Violation: **Serious**

1910.107(b)(2): The interior surfaces of spray booths shall be smooth and continuous without edges and otherwise designed to prevent pocketing of residues and facilitate cleaning and washing without injury:

Spray Booth – On June 18, 2015, and time prior to, one (1), panel fixture and one (1), light fixture protruded from each of the two (2), interior parallel left and right walls of the spray booth. The seams of the panel and light fixtures created areas where residues of flammable products such as, but not limited to; Sherwin Williams Company Industrial Urethane Alkyd Enamel, Ultradeep Base (Category 3 flammable liquid) could accumulate creating a potential fire hazard.

Date By Which Violation Must Be Abated: 11/23/2015
Proposed Penalty: \$1,575.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
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Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

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

29 CFR 1910.107(b)(9): A clear space of not less than 3 feet on all sides was not kept free from storage or combustible construction:

Spray Booth – On June 18, 2015 and time prior to, on all three (3), sides of the exterior walls and extending from the left frame of the face of the spray booth there was storage of materials to include, but not limited to; one (1), 50 gallon waste drum, one (1), 50 gallon drum of Superior Oil Company Super 16 paint gun cleaner (Category 2 flammable liquid), a storage rack and a flammable storage cabinet.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$1,575.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

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 004a Type of Violation: **Serious**

29 CFR 1910.107(c)(5): Unless specifically approved for locations containing both deposits of readily ignitable residue and explosive vapors, there shall be no electrical equipment in any spraying area, where on deposits of combustible residues may readily accumulate, except wiring in rigid conduit or in boxes or fittings containing no taps, splices, or terminal connections:

Spray Area – On June 18, 2015, and time prior to, one (1), flexible power cord connected to one (1), light fixture protruded from each of the two (2), interior parallel left and right walls of the spray booth wasn't in rigid conduit with the appropriate connections for Class 1, Division 1, hazardous locations.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$1,575.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
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Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

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

29 CFR 1910.107(c)(6): Electrical wiring and equipment not subject to deposits of combustible residues but located in a spraying area as herein defined shall be of explosion-proof type approved for Class I, group D locations and shall otherwise conform to the provisions of subpart S of this part, for Class I, Division 1, Hazardous Locations. Electrical wiring, motors, and other equipment outside of but within twenty (20) feet of any spraying area, and not separated therefrom by partitions, shall not produce sparks under normal operating conditions and shall otherwise conform to the provisions of subpart S of this part for Class I, Division 2 Hazardous Locations:

Spray Area – On June 18, 2015, and time prior to, electrical equipment such as, but not limited to; an Allen Bradley electrical enclosure box, a Square D Company safety switch disconnect box, and lighting fixtures above spray booth were not of the type approved for Class 1, Division 2, hazardous locations.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$0.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

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 005a Type of Violation: **Serious**

29 CFR 1910.107(e)(4): Except as provided in paragraph (e)(5) of this section the withdrawal of flammable liquids and liquids with a flashpoint greater than 199.4 °F (93 °C) from containers having a capacity of greater than 60 gallons shall be by approved pumps. The withdrawal of flammable liquids or liquids with a flashpoint greater than 199.4 °F (93 °C) from containers and the filling of containers, including portable mixing tanks, shall be done only in a suitable mixing room or in a spraying area when the ventilating system is in operation. Adequate precautions shall be taken to protect against liquid spillage and sources of ignition:

Mixing Area – On September 2, 2015, and time prior to, paint and solvents such as, but not limited to, Nexeo Solutions Xylene (Category 3 flammable liquid), Sherwin-Williams Ultradeep Base (Category 3 flammable liquid), Japan Drier (Category 3 flammable liquid), and Superior Oil Company Super 16 paint gun cleaner (Category 2 flammable liquid) were transferred to paint mixing containers (1 quart to 1 gallon) and painting operation waste containers at a work bench and 55 gallon drum outside of the booth in the general plant area.

Date By Which Violation Must Be Abated: 11/23/2015
Proposed Penalty: \$1,575.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

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

29 CFR 1910.107(e)(9): Whenever flammable liquids or liquids with a flashpoint greater than 199.4 °F (93 °C) are transferred from one container to another, both containers were not effectively bonded and grounded to prevent discharge sparks of static electricity:

a) Spray Booth – On September 2, 2015, and time prior to, one (1), 50 gallon metal drum of Superior Oil Company Super 16 paint gun cleaner (Category 2 flammable liquid) wasn't grounded and bonded to smaller containers when liquid was dispensed.

b) Beside Spray Booth – On September 2, 2015, and time prior to, one (1), 50 gallon metal waste drum containing a mixture of flammable liquids to include, but not limited to; Sherwin Williams Company Industrial Urethane Alkyd Enamel, Ultradeep Base (Category 3 flammable liquid) and Superior Oil Company Super 16 paint gun cleaner (Category 2 flammable liquid) wasn't grounded or bonded to smaller containers used to pour liquid into the drum.

Date By Which Violation Must Be Abated: 11/23/2015
Proposed Penalty: \$0.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

Safety Order 01 Item 006 **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:

Spray Booth – On April 27, 2015, and time prior to, three (3), interior walls surfaces and the interior floor surface contained deposits of flammable liquids to include, but not limited to; Sherwin Williams Company Industrial Urethane Alkyd Enamel, Ultradeep Base (Category 3 flammable liquid) which created a potential fire hazard.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$1,575.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

Safety Order 01 Item 007

Type of Violation: **Serious**

29 CFR 1910.107(g)(3): Residue scrapings and debris contaminated with residue shall be immediately removed from the premises and properly disposed of. Approved metal waste cans shall be provided wherever rags or waste are impregnated with finishing material and all such rags or waste deposited therein immediately after use. The contents of waste cans shall be properly disposed of at least once daily or at the end of each shift:

a) Spray Area – On April 27, 2015, and time prior to, red rags impregnated with flammable liquids to include, but not limited to Sherwin Williams Company Industrial Urethane Alkyd Enamel, Ultradeep Base (Category 3 flammable liquid) were left to collect on a stool.

b) Mixing Area – On September 2, 2015, and time prior to, red rags impregnated with flammable liquids to include, but not limited to Sherwin Williams Company Industrial Urethane Alkyd Enamel, Ultradeep Base (Category 3 flammable liquid) and Superior Oil Company Super 16 paint gun cleaner (Category 2 flammable liquid), were left to collect on a 55 gallon drum and on the mixing bench.

Date By Which Violation Must Be Abated: 11/23/2015
Proposed Penalty: \$1,575.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

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 008a Type of Violation: **Serious**

29 CFR 1910.132(a): Protective equipment was not used when necessary whenever hazards capable of causing injury and impairment were encountered:

Spray Area – Protective clothing for the skin wasn't used during spray operations when using hazardous chemicals such as but not limited to; Sherwin Williams Company Industrial Urethane Alkyd Enamel, Ultra Deep Base and Nexeo Solutions Xylene in the spray area.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$1,575.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
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Issuance Date: 10/20/2015
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Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

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

29 CFR 1910.132(d)(1)(i): The employer did not select and have each affected employee use, the types of personal protective equipment that would protect the affected employee(s) from the hazards identified in the hazard assessment:

Spray Area – Personal protective equipment wasn't selected to protect the employees' skin from chemical hazards during spray operations employee when using hazardous chemicals such as, but not limited to; Sherwin Williams Company Industrial Urethane Alkyd Enamel, Ultradeep Base and Nexeo Solutions Xylene during spray operations.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$0.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
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Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

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

29 CFR 1910.132(d)(2): The employer did not verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated, the person certifying that the evaluation has been performed, the date(s) of the hazard assessment, and, which identifies the document as a certification of hazard assessment:

Spray Area – No workplace hazard assessment was documented for employees who wore a half mask respirator, safety glasses and gloves when using hazardous chemicals such as, but not limited to; Sherwin Williams Company Industrial Urethane Alkyd Enamel, Ultradeep Base and Superior Oil Company Super 16 paint gun cleaner during spray operations.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$0.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

Safety Order 01 Item 009

Type of Violation: **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:

Spray Area – Medical evaluations for respirator use were not provided to painters prior to the required use of a Sperian Freedom 2000 Series half mask respirator.

Date By Which Violation Must Be Abated:
Proposed Penalty:

11/23/2015
\$900.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

Safety Order 01 Item 010

Type of Violation: **Serious**

29 CFR 1910.134(f)(2): Employee(s) using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter:

Spray Area – Respirator fit tests were not performed prior to initial use and at least annually for employees required to use a Sperian Freedom 2000 Series half mask respirator during spray operations.

Date By Which Violation Must Be Abated: 11/23/2015
Proposed Penalty: \$900.00

Indiana Department of Labor
Occupational Safety and Health Administration

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Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

Safety Order 01 Item 011

Type of Violation: **Serious**

29 CFR 1910.134(h)(2)(i): Respirators were not stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals or were not packed or stored to prevent deformation of the facepiece and exhalation valve:

Spray Area – A Sperian Freedom 2000 Series half mask respirator used for spraying operations was stored in the open on a rack 5 feet across from the right exterior wall of the spray booth.

Date By Which Violation Must Be Abated: 11/23/2015
Proposed Penalty: \$900.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
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Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

Safety Order 01 Item 012

Type of Violation: **Serious**

29 CFR 1910.134(h)(3)(ii)(A): Respirator inspections did not include a check of respirator function, tightness of connections, and the condition of the various parts including, but not limited to, the facepiece, head straps, valves, connecting tube, and cartridges, canisters or filters:

Spray Area – On June 18, 2015, and time prior to, an employee used a Sperian Freedom 2000 Series half mask respirator with a missing valve during spray operations.

Date By Which Violation Must Be Abated: 11/23/2015
Proposed Penalty: \$900.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

Safety Order 01 Item 013 Type of Violation: **Serious**

29 CFR 1910.134(k)(1)(vii): The employer did not ensure that each user could demonstrate knowledge of the general requirements of 29 CFR 1910.134:

Spray Area – An employee who used a Sperian Freedom 2000 Series half mask respirator during spray operations was not adequately trained in the requirements of the respirator standard.

The employer shall ensure that each employee can demonstrate knowledge of at least the following:

- (i) Why the respirator is necessary and how improper fit, usage, or maintenance can compromise the protective effect of the respirator;
- (ii) What the limitations and capabilities of the respirator are;
- (iii) How to use the respirator effectively in emergency situations, including situations in which the respirator malfunctions;
- (iv) How to inspect, put on and remove, use, and check the seals of the respirator;
- (v) What the procedures are for maintenance and storage of the respirator;
- (vi) How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators; and
- (vii) The general requirements of this section.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$900.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

Safety Order 01 Item 015

Type of Violation: **Serious**

29 CFR 1910.157(g)(2): The educational program to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting was not provided to all employees upon initial employment, and at least annually thereafter:

Facility – Employees who were expected to fight incipient stage fires did not receive fire extinguisher training.

Date By Which Violation Must Be Abated: 11/23/2015
Proposed Penalty: \$900.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

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 016a Type of Violation: **Serious**

29 CFR 1919.303(e)(1)(i): Electric equipment may not be used unless the following markings have been placed on the equipment; The manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product may be identified:

- a) Spray Area – On June 2, 2015 and time prior to, no manufacturer's identification markings were present on electrical equipment including, but not limited to; one (1), light fixture protruding from each of the two (2), interior parallel left and right walls of the spray booth.

- b) Spray Area – On June 18, 2015, and time prior to, no manufacturer's identification markings were present on electrical equipment including, but not limited to, lighting fixtures above the spray booth and within twenty (20) feet of spray area.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$900.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

Safety Order 01 Item 016b **Type of Violation: Serious**

29 CFR 1910.303(e)(1)(ii): Electric equipment may not be used unless the following markings have been placed on the equipment; Other markings giving voltage, current, wattage, or other ratings as necessary:

- a) Spray Area – On June 2, 2015, and time prior to, no rating markings were present on electrical equipment including, but not limited to; one (1), light fixture protruding from each of the two (2), interior parallel left and right walls of the spray booth.

- b) Spray Area – On June 18, 2015, and time prior to, no rating markings were present on electrical equipment including, but not limited to; lighting fixtures above the spray booth and within twenty (20) feet of spray area.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$0.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

Safety Order 01 Item 017 **Type of Violation: Serious**

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

Spray Area – On June 2, 2015, and time prior to, employee who used hazardous chemicals such as, but not limited to Sherwin Williams Company Industrial Urethane Alkyd Enamel, Ultradeep Base and Superior Oil Company Super 16 paint gun cleaner for spray operations were not provided with training or other information about the physical and health hazards associated with by products.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$900.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

Safety Order 02 Item 001 Type of Violation: **NonSerious**

29 CFR 1904.29(a): The employer did not use OSHA 300, 300-A, and 301 forms, or equivalent forms, for recordable injuries and illnesses. The OSHA 300 form is called the Log of Work-Related Injuries and Illnesses, the 300-A is the Summary of Work-Related Injuries and Illnesses, and the OSHA 301 form is called the Injury and Illness Incident Report:

Facility – OSHA 300 Annual Summaries weren't maintained for years 2012, 2013 and 2014. No Summary was posted for year 2014 from February 1st to April 30th of 2015. Employee injuries and illnesses occurred during 2012, 2013 and 2014.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$0.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317865103
Inspection Date(s): 4/27/2015 - 7/7/2015
Issuance Date: 10/20/2015
CSHO ID: K9590
Optional Report No.: 0001-15

Safety Order and Notification of Penalty

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040

Safety Order 02 Item 002

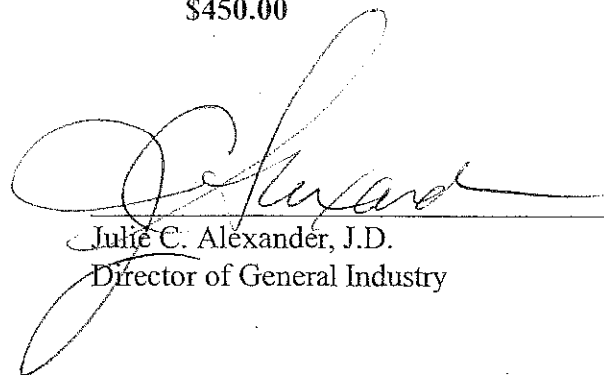
Type of Violation: **NonSerious**

29 CFR 1910.134(c)(4): The employer did not provide respirators, training, and medical evaluations at no cost to employees:

Spray Area – An employee, required to wear a respirator for painting operations, purchased a Sperian Freedom 2000 Series half mask respirator due to issues with the employer provided equipment and was not reimbursed for the purchase nor replacement filters.

Date By Which Violation Must Be Abated:
Proposed Penalty:

11/23/2015
\$450.00



Julie C. Alexander, J.D.
Director of General Industry

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington St - Room W195
Indianapolis, IN 46204
Phone: (317)232-2691 FAX: (317)233-3790



INVOICE/DEBT COLLECTION NOTICE

Company Name: Fortville Feeders Incorporated
Inspection Site: 750 East Broadway, Fortville, IN 46040
Issuance Date: 10/20/2015

Summary of Penalties for Inspection Number: 317865103

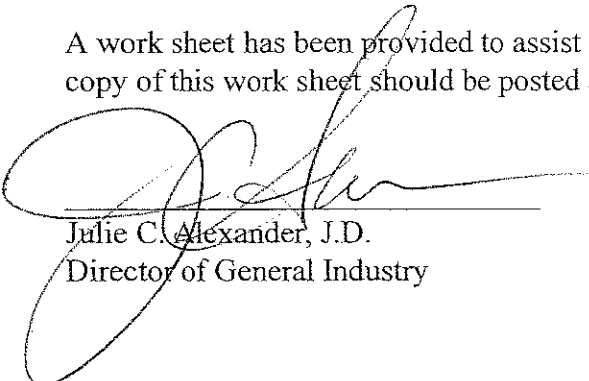
Safety Order 1, Serious	= \$20,700.00
Safety Order 2, NonSerious	= \$450.00
TOTAL PENALTIES	= \$21,150.00

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

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 work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).


Julie C. Alexander, J.D.
Director of General Industry

10/29/15
Date