

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE IOSHA BOARD OF  
SAFETY REVIEW  
CASE DOCKET NO. 13-007

IN THE MATTER OF: )  
 )  
COMMISSIONER OF LABOR, )  
 )  
Complainant, )  
 )  
v. )  
 )  
INTAT PRECISION, INC. )  
AND ITS SUCCESSORS, )  
 )  
Respondent. )

**F I L E D**

**SEP 16 2013**

Indiana Board of  
Safety Review

**AGREED ENTRY**

The parties to the above-captioned proceeding, the Commissioner of the Indiana Department of Labor and Intat Precision, Inc., through their duly authorized representatives, desiring to enter into this Agreed Entry as final settlement of this matter, do hereby stipulate and agree as follows:

PART I.

1. From December 22, 2012 through January 24, 2013, authorized employees of the Indiana Department of Labor conducted an inspection at the Respondent's jobsite located at 2148 N. S.R. 3, Rushville, IN 46173.
2. On February 21, 2013, the Commissioner of Labor issued Safety Order No. 1 (Indiana Department of Labor Inspection No. 316544915) alleging that Intat Precision, Inc., had violated the Indiana Occupational Safety and Health Act (IC 22-8-1.1 *et seq.*) or the standards or rules thereunder. Safety Order No. 1 is attached hereto as Exhibit A and is incorporated herein.
3. On March 15, 2013, Respondent duly and timely petitioned for review of Safety

Order No. 1.

PART II.

4. Said Safety Order No. 1 consists of Item Nos. 1, 2, 3, 4, 5, 6, 7, and 8.

5. Safety Order No. 1, Item No. 1 alleges a "Serious" violation of 29 CFR 1910.146(c)(1) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

6. Safety Order No. 1, Item No. 2 alleges a "Serious" violation of 29 CFR 1910.146(c)(2) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

7. Safety Order No. 1, Item No. 3 alleges a "Serious" violation of 29 CFR 1910.146(c)(7)(iii) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

8. Safety Order No. 1, Item No. 4 alleges a "Serious" violation of 29 CFR 1910.146(g)(1) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

9. Safety Order No. 1, Item No. 5 alleges a "Serious" violation of 29 CFR 1910.147(c)(5)(i) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

10. Safety Order No. 1, Item No. 6 alleges a "Serious" violation of 29 CFR 1910.147(c)(5)(ii)(D) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

11. Safety Order No. 1, Item No. 7 alleges a "Serious" violation of 29 CFR 1910.147(c)(6)(i)(B) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

12. Safety Order No. 1, Item No. 8 alleges a "Serious" violation of 29 CFR 1910.147(c)(7)(i) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

13. The total penalty for Safety Order No. 1 is Fifty-Six Thousand Dollars (\$56,000).

PART III.

14. Safety Order No. 1, Item Nos. 1 and 2 are amended by grouping them as one Serious Violation and the total penalty is reduced from Fourteen Thousand Dollars (\$14,000) to Seven

Thousand Dollars (\$7,000).

15. Safety Order No. 1, Item No. 3 remains unchanged in its entirety and the penalty remains Seven Thousand Dollars (\$7,000).

16. Safety Order No. 1, Item No. 4 remains unchanged in its entirety and the penalty remains Seven Thousand Dollars (\$7,000).

17. Safety Order No. 1, Item No. 5 remains unchanged in its entirety and the penalty remains Seven Thousand Dollars (\$7,000).

18. Safety Order No. 1, Item No. 6 remains unchanged in its entirety and the penalty remains Seven Thousand Dollars (\$7,000).

19. Safety Order No. 1, Item No. 7 remains unchanged in its entirety and the penalty remains Seven Thousand Dollars (\$7,000).

20. Safety Order No. 1, Item No. 8 remains unchanged in its entirety and the penalty remains Seven Thousand Dollars (\$7,000).

21. The AGREED total penalty for all violations and all subparts thereunder, subject to this Agreed Entry, is Forty-Nine Thousand Dollars (\$49,000).

22. It is understood and agreed by the Respondent and Complainant that this Agreed Entry and attachments will constitute a final, enforceable OSHA Safety Order(s) and penalties for the purposes of the Indiana Occupational Safety and Health Act ("Act").

23. Respondent confirms Complainant's right to re-inspect its workplaces, in accordance with the Act and to verify abatement of the alleged violations.

24. Respondent hereby withdraws its petition for review previously filed in this matter.

#### PART IV.

25. Nothing contained in this Agreed Entry shall be construed to affect the

Commissioner's interpretation of the Act or any standard or regulation enforced pursuant thereto or the applicable classification thereof.

26. Except for this agreement, and 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 the Respondent shall be deemed an admission by Respondent 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 matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

27. The invalidity or unenforceability of any section, subsection, clause or provision of this Agreed Entry does not affect the remaining sections, subsections, clauses, or provisions of this Agreed Entry.

28. Respondent, upon full execution of this Agreed Entry, will post this Agreed Entry for three (3) working days or until abatement is completed, whichever period is longer, pursuant to Board of Safety Review Rules of Procedure, 615 IAC 1-2-18(b)(3)(C).

*(THIS PART INTENTIONALLY LEFT BLANK)*

AGREED this 18 day of June, 2013.

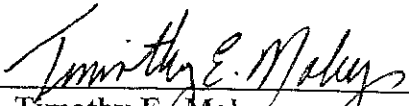
INTAT PRECISION, INC.

By: 

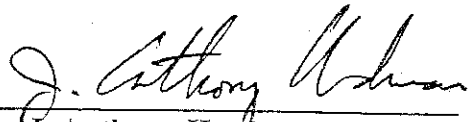
Printed: DBRIST

Title: VICE PRESIDENT

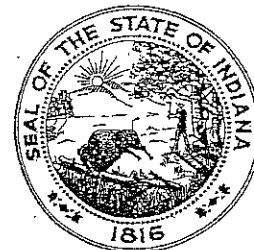
COMMISSIONER OF LABOR

By:   
Timothy E. Maley  
Deputy Commissioner - IOSHA

Approved as to Form

By:   
J. Anthony Hardman,  
Counsel for Complainant

Indiana Department of Labor  
 Indiana Occupational Safety and Health Administration  
 402 West Washington Street  
 Room W195  
 Indianapolis, IN 46204-2751  
 Phone: 317/232-1979 Fax: 317/233-8509



*certified mail # 7003 1010 0003 5732 6518 2-21-13 JFO*

## Safety Order and Notification of Penalty

**To:**

Intat Precision, Inc.,  
 and its successors  
 2148 North State Road 3  
 Rushville, IN 46173

**Inspection Number:** 316544915

**Inspection Date(s):** 12/22/2012 - 01/24/2013

**Issuance Date:** 02/21/2013

**Inspection Site:**

2148 North State Road 3  
 Rushville, IN 46173

*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.

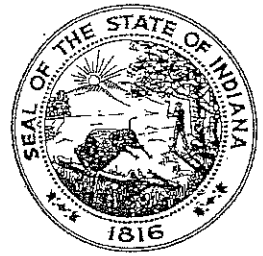
**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 02/21/2013. 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.

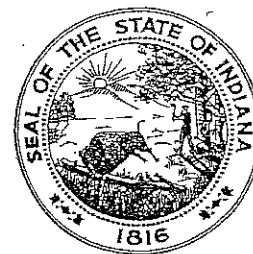
Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Inspection Number: 316544915

Inspection Dates: 12/22/2012 - 01/24/2013

Issuance Date: 02/21/2013



Safety Order and Notification of Penalty

Company Name: Intat Precision, Inc.
Inspection Site: 2148 North State Road 3, Rushville, IN 46173

Safety Order 1 Item 1 Type of Violation: Serious

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

Facility wide: Intat Precision did not evaluate and treat spaces including, but not limited to, Mullors, Nationals, Goodman pits, Diddiion barrels, Melter vaults and Vibra drum as permit-required confined spaces.

Date By Which Violation Must be Abated: 03/15/2013
Proposed Penalty: \$7,000.00

Safety Order 1 Item 2 Type of Violation: Serious

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

National Engineering Multi- Cooler, Model #100 Serial number E-8806004: There was no sign posted or equally effective means informing employees that the National Cooler was a permit required confined space.

Date By Which Violation Must be Abated: 03/15/2013
Proposed Penalty: \$7,000.00

Safety Order 1 Item 3 Type of Violation: Serious

29 CFR 1910.146(c)(7)(iii): The employer did not document the basis for determining that all hazards in a permit space had been eliminated, through a written certification that contained the date, the location of the space, and the signature of the person making the determination:

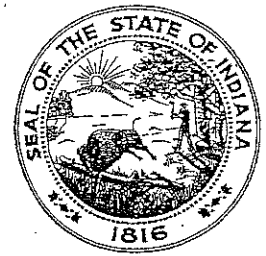
National Cooler: Intat Precision did not document the basis for determining that all the hazards in the National Engineering Multi-Cooler, model #100, Serial number E-8806004, had ben eliminated prior to entry into the permit-required space to perform tasks such as, but not limited to cleaning and maintenance.

Date By Which Violation Must be Abated: 03/15/2013
Proposed Penalty: \$7,000.00

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

Inspection Number: 316544915  
Inspection Dates: 12/22/2012 - 01/24/2013  
Issuance Date: 02/21/2013



**Safety Order and Notification of Penalty**

**Company Name:** Intat Precision, Inc.  
**Inspection Site:** 2148 North State Road 3, Rushville, IN 46173

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

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146, Permit-required confined spaces, acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned:

National Cooler: Intat Precision did not provide training to assure that employees had acquired the knowledge and skills necessary to safely perform duties in permit- required confined spaces including, but not limited to the National Engineering Multi-Cooler, model #100, Serial # E-8806004.

**Date By Which Violation Must be Abated:** 03/15/2013  
**Proposed Penalty:** \$7,000.00

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

29 CFR 1910.147(c)(5)(i): Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware were not provided by the employer for isolating, securing, or blocking of machines or equipment from energy sources:

National Cooler: Production employees required to lock out the National Engineering Multi-Cooler, model #100, Serial # E8-8806004, were not provided locking devices and/or the necessary number of locking devices to safely perform isolation of energy sources.

**Date By Which Violation Must be Abated:** 03/15/2013  
**Proposed Penalty:** \$7,000.00

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

29 CFR 1910.147(c)(5)(ii)(D): Lockout devices and tagout devices did not indicate the identity of the employee applying the device(s):

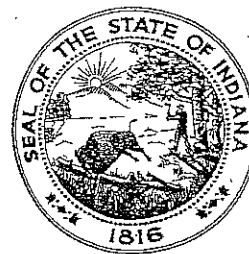
Mullor machine: On 12-22-13 the Mullor, model #100B, serial number 4428808, had a lock out device that was not marked with the identity of the employee who was inside the machine to perform cleaning.

**Date By Which Violation Must be Abated:** 03/15/2013  
**Proposed Penalty:** \$7,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Inspection Number: 316544915  
Inspection Dates: 12/22/2012 - 01/24/2013  
Issuance Date: 02/21/2013



Safety Order and Notification of Penalty

Company Name: Intat Precision, Inc.  
Inspection Site: 2148 North State Road 3, Rushville, IN 46173

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

29 CFR 1910.147(c)(6)(i)(B): The periodic inspection of the energy control procedure was not conducted to correct any deviations or inadequacies identified during the inspection:

National Cooler: Intat Precision did not review isolation procedures for the National Engineering Multi-Cooler model #100, serial number E-8006004, in order to correct deviations in the procedures including, but not limited to, procedures utilizing two lock out points, four lock out points, and five lock out points and activation by auto-stop button of the National Cooler.

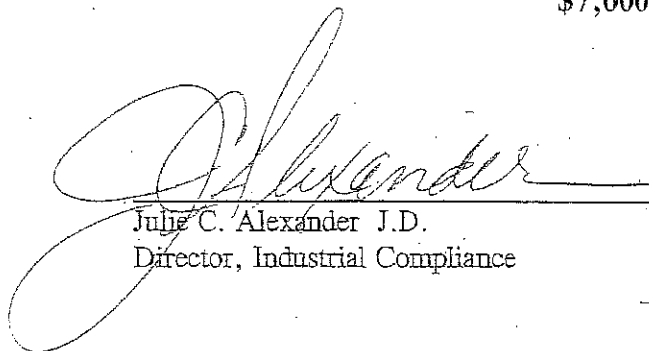
Date By Which Violation Must be Abated: 03/15/2013  
Proposed Penalty: \$7,000.00

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

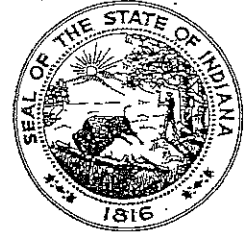
29 CFR 1910.147(c)(7)(i): The employer did not provide adequate training to ensure that employees required the knowledge and skills required for the safe application, usage and removal of energy control devices:

National Cooler: Intat did not provide adequate training for the safe isolation of the National Engineering Multi-Cooler, model #100, Serial number E-88006004.

Date By Which Violation Must be Abated: 03/15/2013  
Proposed Penalty: \$7,000.00

  
Julie C. Alexander J.D.  
Director, Industrial Compliance

Indiana Department of Labor  
Indiana Occupational Safety and Health Administration  
402 West Washington Street  
Room W195  
Indianapolis, IN 46204-2751  
Phone: 317/232-1979 Fax: 317/233-8509



## INVOICE/DEBT COLLECTION NOTICE

Company Name: Intat Precision, Inc.  
Inspection Site: 2148 North State Road-3, Rushville, IN 46173  
Issuance Date: 02/21/2013

Summary of Penalties for Inspection Number 316544915

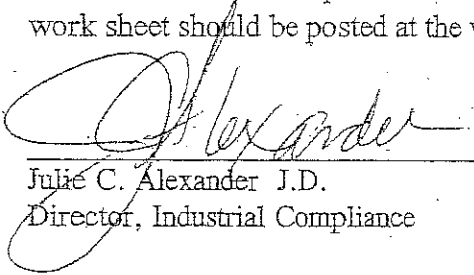
Safety Order 01, Serious	=	\$56,000.00
Total Proposed Penalties		\$56,000.00

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, Industrial Compliance

Date

2/21/13