

Indiana Department of Labor

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



Safety Order and Notification of Penalty

To:
Indiana Wheel Company
2935 Vanvactor Drive
Plymouth, IN 46563

Inspection Number: 318130549
CSHO ID: I7062
Optional Report No.: 2302-21
Inspection Date(s): 4/29/2021 - 9/2/2021
Issuance Date: 10/19/2021

Inspection Site:
2935 Vanvactor Drive
Plymouth, IN 46563

The violation(s) described in this Safety Order and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

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

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

Right to Contest - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s) and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has

occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent board appointed by the governor with authority to conduct legal proceedings leading up to and including administrative hearings, or assign 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 and proof of abatement must be sent to the email address: AbatementGI@dol.in.gov 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 be sent to the email address: AbatementGI@dol.in.gov 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 sending the Petition to AbatementGI@dol.in.gov. 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 and sent to the email address AbatementGI@dol.in.gov. 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 via email at AbatementGI@dol.in.gov, 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 10/19/2021. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318130549
Inspection Date(s): 4/29/2021 - 9/2/2021
Issuance Date: 10/19/2021
CSHO ID: I7062
Optional Report No.: 2302-21

Safety Order and Notification of Penalty

Company Name: Indiana Wheel Company
Inspection Site: 2935 Vanvactor Drive, Plymouth, IN 46563

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

Final Weld assembly - Employees working at the final weld station were exposed to fire hazards when there was impeded access to an exit route. The employee had to climb under a conveyor that was approximately 52" in height.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$900.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318130549
Inspection Date(s): 4/29/2021 - 9/2/2021
Issuance Date: 10/19/2021
CSHO ID: I7062
Optional Report No.: 2302-21

Safety Order and Notification of Penalty

Company Name: Indiana Wheel Company
Inspection Site: 2935 Vanvactor Drive, Plymouth, IN 46563

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 002a Type of Violation: **Serious**

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards were present, or were likely to be present, which necessitated the use of personal protective equipment:

Facility Wide- A hazard assessment for employees working on the rim and disk welding line, and the painting area was not conducted by the employer to identify and protect employees from fire hazards, chemical exposure, and some physical hazards while working on specific lines.

Date By Which Violation Must Be Abated: **11/22/2021**
Proposed Penalty: **\$3,000.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318130549
Inspection Date(s): 4/29/2021 - 9/2/2021
Issuance Date: 10/19/2021
CSHO ID: I7062
Optional Report No.: 2302-21

Safety Order and Notification of Penalty

Company Name: Indiana Wheel Company
Inspection Site: 2935 Vanvactor Drive, Plymouth, IN 46563

Safety Order 01 Item 002b Type of Violation: **Serious**

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

Rim lines - Employee were exposed to welding sparks and arc flash when using clear safety glasses as their eye protection.

Date By Which Violation Must Be Abated: **11/22/2021**
Proposed Penalty: **\$0.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318130549
Inspection Date(s): 4/29/2021 - 9/2/2021
Issuance Date: 10/19/2021
CSHO ID: I7062
Optional Report No.: 2302-21

Safety Order and Notification of Penalty

Company Name: Indiana Wheel Company
Inspection Site: 2935 Vanvactor Drive, Plymouth, IN 46563

Safety Order 01 Item 004

Type of Violation: **Serious**

29 CFR 1910.134(k): The employer did not provide comprehensive, understandable training which did not occur annually and/or more often if necessary:

Paint department - Employees required to wear full face 3M negative pressure respirators or N95 face filtering respirators were not provided training, which included:

- 1) Why the respirator was necessary and how improper fit, usage, or maintenance could compromise the protective effect of the respirator;
- 2) What the limitations and capabilities of the respirator were;
- 3) How to use the respirator effectively in emergency situation, including situations in which the respirator malfunctioned;
- 4) How to inspect, put on and remove, use and check the seals of the respirator;
- 5) What the procedure were for maintenance and storage of the respirator;
- 6) How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators; and
- 7) The general requirements of this section.

Date By Which Violation Must Be Abated:
Proposed Penalty:

11/22/2021
\$900.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318130549
Inspection Date(s): 4/29/2021 - 9/2/2021
Issuance Date: 10/19/2021
CSHO ID: I7062
Optional Report No.: 2302-21

Safety Order and Notification of Penalty

Company Name: Indiana Wheel Company
Inspection Site: 2935 Vanvactor Drive, Plymouth, IN 46563

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 1910.147(c)(7)(i): The employer did not provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees:

- a) Facility Wide - Employees who work in an area where energy control procedures could be used were not trained or instructed to recognize the application or about the prohibition of attempting to restart or reenergize the equipment.
- b) Final Weld assembly - Employees were exposed to pinch points and burn injuries while changing or adjusting weld heads when energy control procedures were not used

Date By Which Violation Must Be Abated: **11/22/2021**
Proposed Penalty: **\$3,000.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318130549
Inspection Date(s): 4/29/2021 - 9/2/2021
Issuance Date: 10/19/2021
CSHO ID: I7062
Optional Report No.: 2302-21

Safety Order and Notification of Penalty

Company Name: Indiana Wheel Company
Inspection Site: 2935 Vanvactor Drive, Plymouth, IN 46563

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

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the actions listed in and was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6):

Final Weld assembly - Employees were exposed to pinch points and burn injuries while changing or adjusting weld heads. The energy control application steps to perform the work at weld heads were not implemented per 1910.147(d) requirements. As a result, the following applicable energy control elements were not followed to include:

Prepare for shutdown [(d)(1)] - ensure authorized employee has knowledge of the type and magnitude of the energy, the hazards of the energy to be controlled, and the method or means to control the energy;

Shutdown the machine or equipment [(d)(2)] - the machine or equipment shall be turned off or shut down using the procedures established for the machine or equipment;

Machine isolation [(d)(3)] - physically locate and operate all energy isolating devices that are needed to control the energy to the machine or equipment in such a manner as to isolate the machine or equipment from the energy source(s);

LOTO device application [(d)(4)(i)] - affix a lockout or tagout device to each energy isolating device;

Stored energy [(d)(5)(i)] - all potentially hazardous or stored residual energy shall be relieved, disconnected, restrained, or otherwise rendered safe;

Verification of isolation [(d)(6)] - verify that isolation and deenergization of the machine or equipment has been accomplished.

Date By Which Violation Must Be Abated: **11/22/2021**
Proposed Penalty: **\$0.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318130549
Inspection Date(s): 4/29/2021 - 9/2/2021
Issuance Date: 10/19/2021
CSHO ID: I7062
Optional Report No.: 2302-21

Safety Order and Notification of Penalty

Company Name: Indiana Wheel Company
Inspection Site: 2935 Vanvactor Drive, Plymouth, IN 46563

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 007a Type of Violation: **Serious**

29 CFR 1910.334(a)(2)(i): Portable cord and plug connected equipment and flexible cord sets (extension cords) were not visually inspected before use on any shift for external defects (such as loose parts, deformed and missing pins, or damage to outer jacket or insulation) and for evidence of possible internal damage (such as pinched or crushed outer jacket):

Butt & Dress weld - Employees were exposed to electric shock when using flexible cords for equipment such as, but not limited to, fans and chargers. The cords were exposed to potential damage when used in areas where welding sparks were present and not inspected.

Date By Which Violation Must Be Abated: **11/22/2021**
Proposed Penalty: **\$2,100.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318130549
Inspection Date(s): 4/29/2021 - 9/2/2021
Issuance Date: 10/19/2021
CSHO ID: I7062
Optional Report No.: 2302-21

Safety Order and Notification of Penalty

Company Name: Indiana Wheel Company
Inspection Site: 2935 Vanvactor Drive, Plymouth, IN 46563

Safety Order 01 Item 007b Type of Violation: **Serious**

29 CFR 1910.334(a)(2)(ii): There was a defect or evidence of damage that could have exposes an employee to injury and the defective or damaged item was not removed from service:

Butt & Dress weld - Employees were exposed to electrical shock injuries when using defective equipment such as, but not limited to, an extension cord for use of a Max Air Pro industrial fan.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00



Jameson Berry
Director of General Industry