

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE IOSHA BOARD OF  
SAFETY REVIEW

**F I L E D**

IN THE MATTER OF THE )  
COMMISSIONER OF LABOR, )

JAN 04 2013

Complainant, )

Indiana Board of  
Safety Review

v. )

CASE DOCKET NO. 12-006 and  
12-015

SENSIENT FLAVORS, LLC, )  
AND ITS SUCCESSORS, )

Respondent. )

**FINAL ORDER**

The parties to the above-referenced proceeding, through their duly authorized representatives, have filed with the Board their Agreed Entry. The Board, being duly advised, voted on December 19, 2012 to accept the Respondent's withdrawal of its Notice of Contest, and adopt the Safety Orders and penalty issued by the Commissioner of Labor, as modified by the Agreed Entry, as its final order in this matter.

IT IS ORDERED that the Respondent's withdrawal of its Notice of Contest is accepted and the Safety Orders and penalty issued by the Commissioner of Labor, as modified by the Agreed Entry, is adopted as a final order.

Dated: 4 January 2013

  
\_\_\_\_\_  
Danny Deighton, Chairman

Copies to:

Nicole M. Schuster  
Deputy Attorney General  
Counsel for the Department of Labor  
Indiana Department of Labor  
402 W. Washington St., Rm. W195  
Indianapolis, IN 46204

Mark S. Kittaka  
BARNES & THORNBURG LLP  
600 One Summit Square  
Fort Wayne, IN 46802-3119

Mike Hubrecht  
Teamsters Local Union No. 135  
1233 Shelby Street  
Indianapolis, IN 46203

Dave Shurick  
1446 Royal Lake Drive  
Indianapolis, IN 46228

Fred O. Towe  
FILLENWARTH DENNERLINE  
GROTH & TOWE, LLP  
429 E. Vermont Street, Suite 200  
Indianapolis, IN 46202

IN THE STATE OF INDIANA )  
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COUNTY OF MARION ) SS:

BEFORE THE IOSHA BOARD OF  
SAFETY REVIEW  
CASE DOCKET NO. 12-006 AND 12-015

IN THE MATTER OF:

COMMISSIONER OF LABOR, )  
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Complainant, )  
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v. )  
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SENSIENT FLAVORS LLC )  
AND ITS SUCCESSORS )  
 )  
Respondent. )

**F I L E D**

DEC 19 2012

Indiana Board of  
Safety Review

**AGREED ENTRY**

The parties to the above-captioned proceeding, the Commissioner of the Indiana Department of Labor, Sensient Flavors LLC ("Sensient Flavors") and Teamsters Local 135 ("Teamsters"), through their duly authorized representatives, being desirous of entering into this Agreed Entry prior to hearing do hereby stipulate and agree as follows:

**PART I**

1. From September 15, 2011 through April 20, 2012, authorized employees of the Indiana Department of Labor conducted an inspection at the Respondent's jobsite located at 5600 West Raymond Street, Indianapolis, Indiana 46241.

2. On March 19, 2012 and June 18, 2012, the Commissioner of Labor issued 2 sets of safety orders (hereinafter "1<sup>st</sup> Set of Safety Orders" and "2<sup>nd</sup> Set of Safety Orders" respectively) (Indiana Department of Labor Inspection No. 315051318) alleging that Sensient Flavors had violated the Indiana Occupational Safety and Health Act (IC 22-8-1.1 *et seq.*) or the standards or rules thereunder. The 1st Set of Safety Orders and 2nd Set of Safety Orders include various safety orders and items which are numbered sequentially (i.e., 1st Set of Safety Orders (Safety Order 1 Items 1-7) and 2nd Set of Safety Orders (Safety Order 1 Items 8-27 and Safety Order 2 Items 1-3b)

and are attached hereto as Exhibit A and are incorporated herein.

3. On April 11, 2012 and July 12, 2012 Respondent duly and timely petitioned for review of the 1<sup>st</sup> Set of Safety Orders and the 2<sup>nd</sup> Set of Safety Orders, respectively.

4. After the separate appeals, the two sets of safety orders were consolidated into a single matter by an Order of the Board of Safety Review on August 24, 2012 (Case Docket Nos. 12-006 and 12-015).

5. Teamsters filed a petition for party status in the proceeding and it was granted on July 30, 2012.

## PART II.

6. The Petitioned for review Safety Order No. 1 consists of Item No. 1 through Item No. 27.

7. The Petitioned for review Safety Order No. 2 consists of Item Nos. 1, 2, 3a and 3b.

8. Safety Order No. 1, Item No. 1 alleges a "Serious" violation of 29 CFR 1910.23(a)(8) and assesses a total penalty of Two Thousand Dollars (\$2,000).

9. Safety Order No. 1, Item No. 2 alleges a "Serious" violation of 29 CFR 1910.106(d)(4)(iv) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

10. Safety Order No. 1, Item No. 3 alleges a "Serious" violation of 29 CFR 1910.106(e)(2)(ii)(b)(1) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

11. Safety Order No. 1, Item No. 4 alleges a "Serious" violation of 29 CFR 1910.106(e)(2)(ii)(b)(2) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

12. Safety Order No. 1, Item No. 5 alleges a "Serious" violation of 29 CFR 1910.1200(f)(5)(ii) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

13. Safety Order No. 1, Item No. 6 alleges a "Serious" violation of 29 CFR 1910.1201(a) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

14. Safety Order No. 1, Item No. 7 alleges a "Serious" violation of 29 CFR 1910.1201(c) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

15. Safety Order No. 1, Item No. 8 alleges a "Serious" violation of IC 22-8-1.1, Section 2 and assesses a total penalty of Seven Thousand Dollars (\$7,000).

16. Safety Order No. 1, Item No. 9 alleges a "Serious" violation of IC 22-8-1.1, Section 2 and assesses a total penalty of Five Thousand Dollars (\$5,000).

17. Safety Order No. 1, Item No. 10 alleges a "Serious" violation of 29 CFR 1910.36(b)(1) and assesses a total penalty of Five Thousand Dollars (\$5,000).

18. Safety Order No. 1, Item No. 11 alleges a "Serious" violation of 29 CFR 1910.37(a)(2) and assesses a total penalty of Five Thousand Dollars (\$5,000).

19. Safety Order No. 1, Item No. 12 alleges a "Serious" violation of 29 CFR 1910.106(e)(2)(iv)(d) and assesses a total penalty of Five Thousand Dollars (\$5,000).

20. Safety Order No. 1, Item No. 13 alleges a "Serious" violation of 29 CFR 1910.106(e)(6)(i) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

21. Safety Order No. 1, Item No. 14 alleges a "Serious" violation of 29 CFR 1910.106(e)(6)(ii) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

22. Safety Order No. 1, Item No. 15 alleges a "Serious" violation of 29 CFR 1910.134(d)(1)(iii) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

23. Safety Order No. 1, Item No. 16 alleges a "Serious" violation of 29 CFR 1910.134(d)(2)(i) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

24. Safety Order No. 1, Item No. 17 alleges a "Serious" violation of 29 CFR 1910.134(d)(3)(i) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

25. Safety Order No. 1, Item No. 18 alleges a "Serious" violation of 29 CFR 1910.134(d)(3)(i)(B)(1) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

26. Safety Order No. 1, Item No. 19 alleges a "Serious" violation of 29 CFR 1910.134(m)(4) and assesses a total penalty of Five Thousand Dollars (\$5,000).

27. Safety Order No. 1, Item No. 20 alleges a "Serious" violation of 29 CFR 1910.138(a) and assesses a total penalty of Two Thousand Five Hundred Dollars (\$2,500).

28. Safety Order No. 1, Item No. 21 alleges a "Serious" violation of 29 CFR 1910.146(d)(9) and assesses a total penalty of Five Thousand Dollars (\$5,000).

29. Safety Order No. 1, Item No. 22 alleges a "Serious" violation of 29 CFR 1910.146(k)(1)(i) and assesses a total penalty of Five Thousand Dollars (\$5,000).

30. Safety Order No. 1, Item No. 23 alleges a "Serious" violation of 29 CFR 1910.146(k)(1)(ii) and assesses a total penalty of Five Thousand Dollars (\$5,000).

31. Safety Order No. 1, Item No. 24 alleges a "Serious" violation of 29 CFR 1910.146(k)(1)(iv) and assesses a total penalty of Five Thousand Dollars (\$5,000).

32. Safety Order No. 1, Item No. 25 alleges a "Serious" violation of 29 CFR 1910.146(k)(5)(v) and assesses a total penalty of Five Thousand Dollars (\$5,000).

33. Safety Order No. 1, Item No. 26 alleges a "Serious" violation of 29 CFR 1910.307(c) and assesses a total penalty of Five Thousand Dollars (\$5,000).

34. Safety Order No. 1, Item No. 27 alleges a "Serious" violation of 29 CFR 1910.1200(h)(1) and assesses a total penalty of Seven Thousand Dollars (\$7,000).

35. The total penalty for Safety Order No. 1 is One Hundred Thirteen Thousand Five Dollars (\$113,500).

36. Safety Order No. 2, Item No. 1 alleges a "Knowing" violation of IC 22-8-1.1, Section 2, and assesses a total penalty of Seventy Thousand Dollars (\$70,000).

37. Safety Order No. 2, Item No 2 alleges a "Knowing" violation of 29 CFR 1910.134(d)(1)(i) and assesses a total penalty of Seventy Thousand Dollars (\$70,000).

38. Safety Order No. 2, Item No. 3a and 3b alleges a "Knowing" violation of 29 CFR 1910.1000(b)(2) and 29 CFR 1910.1000(e), respectively, and assesses a total penalty of Seventy Thousand Dollars (\$70,000).

39. The total penalty for Safety Order No. 2 is Two Hundred Ten Thousand Dollars (\$210,000).

### PART III.

40. Complainant amends Safety Order No. 1, Item No. 1 by reducing the classification from a "Serious" to a "Nonserious" violation and the penalty remains unchanged.

41. Safety Order No. 1, Item No. 2 remains unchanged in its entirety.

42. Complainant amends Safety Order No. 1, Item Nos. 3, and 4 are amended by grouping the two violations into Item No. 2 and the penalty remains Seven Thousand Dollars (\$7,000).

43. Safety Order No. 1, Item Nos. 5, 6, and 7 are amended by grouping the three violations into Item No. 5 and the penalty remains Seven Thousand Dollars (\$7,000).

44. Complainant amends Safety Order No. 1, Item No. 8 by deleting the violation in its entirety including the penalty.

45. Complainant amends Safety Order No. 1, Item No. 9 and Item No. 26 by grouping the two violations into Item No. 9 and the penalty remains Five Thousand Dollars (\$5,000).

46. Complainant amends Safety Order No. 1, Item No. 10 and Item No. 11 by grouping the two violations into Item No. 10 and the penalty remains Five Thousand Dollars (\$5,000).

47. Complainant amends Safety Order No. 1, Item Nos. 12, 13 and 14 by grouping the three violations into Item No. 12 and the penalty remains Five Thousand Dollars (\$5,000).

48. Complainant amends Safety Order No. 1, Item Nos. 15, 16, 17, and 18 by grouping the four violations into Item No. 17 along with subparagraph (b) of Safety Order No. 2 Item 2 and the penalty remains Seven Thousand Dollars (\$7,000).

49. Complainant amends Safety Order No. 1, Item Nos. 17 and 18 to read as indicated in Exhibit B attached and incorporated herein.

50. Complainant amends Safety Order No. 1, Item No. 19 remains a "Serious" violation, but the penalty is reduced from Five Thousand (\$5,000) to Two Thousand Five Hundred Dollars (\$2,500).

51. Complainant amends Safety Order No. 1, Item No. 20 by deleting this item in its entirety including the penalty.

52. Complainant amends Safety Order No. 1, Item No. 21 by deleting this item in its entirety including the penalty.

53. Complainant amends Safety Order No. 1, Item No. 22 by deleting this item in its entirety including the penalty.

54. Complainant amends Safety Order No. 1, Item No. 23 remains a "Serious" violation, but the penalty is reduced from Five Thousand Dollars (\$5,000) to Two Thousand Five Hundred Dollars (\$2,500).

55. Complainant amends Safety Order No. 1, Item 24 by deleting this item in its entirety including the penalty.

56. Complainant amends Safety Order No. 1, Item 25 by deleting this item in its entirety including the penalty.

57. Safety Order No. 1, Item No. 27 remains unchanged in its entirety including the penalty.

58. The Agreed total penalty for all violations and all subparts thereunder subject to this Agreed Entry is Fifty Seven Thousand Dollars (\$57,000).

59. Complainant amends Safety Order No. 2, Item Nos. 1, 3a and 3b by grouping these items into Safety Order No. 2, Item 1, reclassifying the violations from a "Knowing" to a "Serious" violation and reducing the penalty from Seventy Thousand Dollars (\$70,000) to Seven Thousand



Dollars (\$7,000).

60. Complainant also amends Safety Order No. 2, Item 1 to read as indicated in Exhibit B attached and incorporated herein.

61. Complainant amends Safety Order No. 2, Item No. 2, by reducing the penalty from Seventy Thousand Dollars (\$70,000) to Thirty Five Thousand Dollars (\$35,000). Subparagraph (b) under Safety Order No.2, Item 2 is deleted and grouped under Safety Order No. 1, Item 17 to read as indicated in Exhibit B attached and incorporated herein.

62. Complainant amends Safety Order No. 2, Item Nos. 3a and 3b by reducing the violation from a "Knowing" to a "Serious" violation and grouping it with Safety Order No. 2 Item 1 as noted in paragraph 57 above.

63. Respondent agrees to two (2) random monitoring visits by IOSHA within the twelve (12) month period following the affirmation of this Agreed Entry by the Board of Safety Review.

64. Respondent agrees to reevaluate the facility's Respirator Protection Program by no later than 30 days after the final affirmation of this agreement by the Indiana Board of Safety Review.

65. Respondent agrees for a period of three (3) years, beginning the day of the final affirmation of this Agreed Entry by the Indiana Board of Safety Review, to comply with a diacetyl exposure standard of 0.04 ppm 8-hour time weighted average (TWA) and 0.16 ppm short term exposure limit (STEL) (the "Compliance Standard"), unless and until federal OSHA promulgates a permissible exposure limit (PEL) for diacetyl through the use of engineering and administrative controls already implemented, while continuing to reevaluate and implement potential economically feasible upgrades to the current engineering controls and administrative controls, and otherwise through the use of personal protective equipment including respirators which will allow the Respondent time to research and implement the use of a safe replacement for the use of diacetyl and/or other methods for reducing the potential exposure to diacetyl.

66. Sensient agrees to exercise its best efforts to eliminate or significantly reduce the potential for exposures to diacetyl at the Facility through the adoption, by the dates indicated below, of the following administrative and engineering controls:

- a. working with customers to eliminate, where feasible, diacetyl as an ingredient in products manufactured at the Facility (by December 31, 2012);
- b. eliminating, where feasible, neat pours of diacetyl by sourcing raw materials containing the relatively small concentrations of diacetyl required for the manufacture of diacetyl-containing products at the Facility (by March 31, 2013); and
- c. performing all remaining neat pours of diacetyl with an auto-compounding machine to be located in a separate room from the operator control room (as soon as practicable, but no later than September 30, 2013).

IOSHA and the Teamsters acknowledge that the administrative and engineering controls outlined above represent a good faith effort by Sensient to reduce employee exposures and that these controls will represent a significant cost to Sensient. IOSHA and the Teamsters agree that, in the event these controls do not reduce employee exposures to diacetyl to below the Compliance Standard or a future PEL, for a period of three (3) years from the date of execution of this Agreement Sensient may rely upon personal protective equipment to achieve any remaining incremental decrease in exposure potential necessary for compliance instead of pursuing additional engineering or administrative controls.

67. Subject to paragraphs 64 and 65 above, Respondent agrees to implement the following hierarchy when adhering to the agreed Compliance Standard for diacetyl: 1. feasible engineering controls; 2. feasible administrative controls; and 3. personal protective equipment, including respirators, in order starting with number 1. Respondent agrees to periodically reevaluate and implement economically feasible upgrades when they become available.

68. The total penalty for Safety Order No. 2 is Forty Two Thousand Dollars (\$42,000).

69. The AGREED total penalty for all violations and all subparts thereunder subject to this Agreed Entry is Ninety Nine Thousand Dollars (\$99,000).

70. Respondent shall have until 30 days following the affirmation of this Agreed Entry by the Board of Safety Review to abate Safety Order No. 1 Item 10.

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

72. Respondent hereby withdraws its petitions for review previously filed in this matter.

#### PART IV.

73. Except where specifically stated, 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.

74. 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").

75. Except for these proceedings, and matters arising out of these proceedings and any other subsequent OSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by the Respondent shall be deemed an admission. 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.

76. 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.

77. 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).

AGREED this 18<sup>th</sup> day of December 2012

**SENSIENT FLAVORS LLC**

By: *John L. Howard*  
Title: *Vice President + Secretary*

**COMMISSIONER OF LABOR**

By: *Timothy E. Maley*  
**Timothy E. Maley**  
**Deputy Commissioner of Labor**  
**IOSHA**

**TEAMSTERS LOCAL UNION 135**

By: \_\_\_\_\_  
**Fred O. Towe**  
**Fillenwarth Dennerline Groth & Towe, LLP**  
**Counsel for the Union (affected employees)**

**Approved as to form:**

By: \_\_\_\_\_  
**Mark S. Kittaka**  
**Counsel for Respondent**

By: *Julie C. Alexander*  
**Julie C. Alexander**  
**Director, Industrial Hygiene**  
**IOSHA**

By: *Nicole Schuster*  
**Nicole Schuster**  
**Deputy Attorney General**

77. 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).

AGREED this 15<sup>th</sup> day of December 2012

**SENSIENT FLAVORS LLC**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**COMMISSIONER OF LABOR**

By: Timothy E. Maley  
**Timothy E. Maley**  
**Deputy Commissioner of Labor**  
**IOSHA**

**TEAMSTERS LOCAL UNION 135**

By: Fred O. Towe  
**Fred O. Towe**  
**Fillenwarth Dennerline Groth & Towe, LLP**  
**Counsel for the Union (affected employees)**

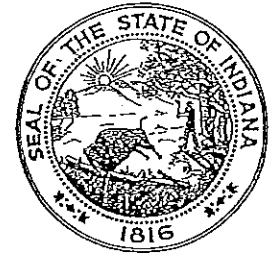
**Approved as to form:**

By: Mark S. Kittaka  
**Mark S. Kittaka**  
**Counsel for Respondent**

By: Julie C. Alexander  
**Julie C. Alexander**  
**Director, Industrial Hygiene**  
**IOSHA**

By: Nicole Schuster  
**Nicole Schuster**  
**Deputy Attorney General**

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 1834 3-19-12 JH*

## Safety Order and Notification of Penalty

**To:**

Sensient Flavors, LLC,  
and its successors  
5600 West Raymond Street  
Indianapolis, IN 46241

**Inspection Number:** 315051318

**Inspection Date(s):** 09/15/2011 - 03/16/2012

**Issuance Date:** 03/19/2012

**Inspection Site:**

5600 West Raymond Street  
Indianapolis, IN 46241

*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

Exhibit  
A

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.

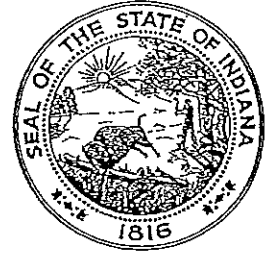
A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional 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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

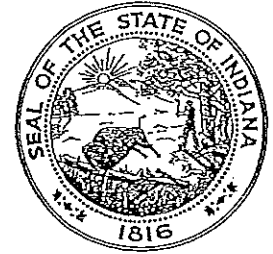
An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 03/19/2012. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on \_\_\_\_\_ at \_\_\_\_\_.

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: 315051318  
Inspection Dates: 09/15/2011 - 03/16/2012  
Issuance Date: 03/19/2012



Safety Order and Notification of Penalty

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

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

29 CFR 1910.106(e)(2)(ii)(b)(1): More than 25 gallons of Class IA flammable liquids in containers were located outside of inside storage room(s) or storage cabinet(s):

(a) Area 40 (Freezer) - Approximately 70-gallons of Class IA Flammable Liquids such as, but not limited to Acetaldehyde 100%, Methyl Butyrate, Dimethyl Sulfide, Orange Light Fraction and Methylbutyaldehyde were stored throughout Area 40 in portable containers.

(b) Area 41 (Refrigerator/Cooler) - Approximately 100-gallons of Class IA Flammable Liquids such as, but not limited to Acetaldehyde 50%, Dimethyl Sulfide, Rum Ether ART and Civic Tnct 90% Alcohol were stored throughout Area 41 in portable containers.

Date By Which Violation Must be Abated: 04/12/2012  
Proposed Penalty: \$7,000.00

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

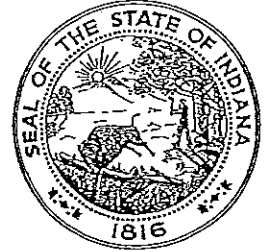
29 CFR 1910.106(e)(2)(ii)(b)(2): More than 120 gallons of Class IB, IC, II or III flammable or combustible liquids in containers were located outside of inside storage room(s) or storage cabinet(s):

Area 41 (Refrigerator/Cooler) - Approximately 1,500-gallons of Class IB and IC Flammable Liquids such as, but not limited to Lemon Lime, Blackberry WONF, Blackberry Flavor, Bacon Type, Blackberry NAT, Lemon Lime NAT EXT, Orange Mandarin WONF, Isovaleraldehyde, Strawberry 20% and Propionaldehyde 97% were stored throughout Area 41 in portable containers.

Date By Which Violation Must be Abated: 04/12/2012  
Proposed Penalty: \$7,000.00

Indiana Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 315051318  
Inspection Dates: 09/15/2011 - 03/16/2012  
Issuance Date: 03/19/2012



Safety Order and Notification of Penalty

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

MSDS stated that the Acetaldehyde 100% had a flammability rating of "4."

(h) Area 40 (Freezer) - Two metal containers of Acetaldehyde 100% \*2003 FLAM (K01862), a Class IA Flammable Liquid, were labeled by Sensient Flavorings with a flammability rating of "3." The chemical manufacturer's/vendor's MSDS stated that the Acetaldehyde 100% had a flammability rating of "4."

(i) Warehouse (Near Dry Blend) - Two plastic containers of Veratraldehyde \*3109 (K09551) were labeled by Sensient Flavorings with a flammability rating of "0." The chemical manufacturer's/vendor's MSDS stated that the containers of Veratraldehyde had a flammability rating of "1."

(j) Flammable Storage Room 14 (Area 14) - A metal container of Isoamyl Alc Fusel \*2057 95% (K01596) was labeled by Sensient Flavorings with health and flammability ratings of "1" and "2" respectively. The chemical manufacturer/vendor labeled the container of Isoamyl Alc Fusel as a flammable liquid, and the chemical manufacturer's/vendor's Material Safety Data Sheet (MSDS) stated that the Isoamyl Alc Fusel had health and flammability ratings of "2" and "3" respectively.

(k) Area 41 (Refrigerator/Cooler) - Three metal containers of Acetaldehyde 50% Alc FLAMM (K01501), a Class IA Flammable Liquid, were labeled by Sensient Flavorings with a flammability rating of "3." The chemical manufacturer's/vendor's MSDS stated that the Acetaldehyde 50% Alc had a flammability rating of "4."

(l) Area 41 (Refrigerator/Cooler) - Two plastic containers of Apple Juice Flav 5.82425 NAT (K10001318), a Class IC Flammable Liquid, were not labeled with appropriate hazard warning information. Although Sensient Flavorings had affixed "K Labels" to each of the Apple Juice containers, the NFPA Diamonds located on these "K Labels" were blank and no numbers were printed or entered inside of any of the diamonds.

(m) Outside of Facility, Inside of Semi-Trailer #2 - Three plastic containers of Orange Citrus Flavor WONF (2036016) were not labeled with appropriate hazard warning information such as, but not limited to health, flammability and reactivity.

(n) Flammable Storage Room 14 (Area 14) - Three plastic containers of Lemon CALIF. 10% Ethyl Alcohol (X08208) were not labeled with appropriate hazard warning information such as, but not limited to health, flammability and reactivity.

(o) Flammable Storage Room 14 (Area 14) - A plastic container of Citrus Berry (X1000002618) was not labeled with appropriate hazard warning information such as, but not limited to health, flammability and reactivity.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/12/2012  
\$7,000.00

Indiana Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 315051318  
Inspection Dates: 09/15/2011 - 03/16/2012  
Issuance Date: 03/19/2012



Safety Order and Notification of Penalty

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

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

29 CFR 1910.1201(c): Markings, placards and labels were not maintained in a manner that ensured that they were readily visible:

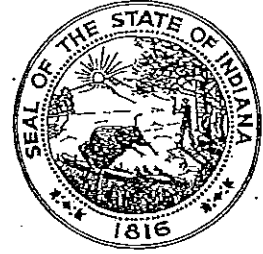
- (a) Area 40 (Freezer) - Sensient Flavorings' "K Label" was affixed over and obscured the DOT "Flammable Liquid" Placard/Label located on a metal container of Orange Lt Fraction ORG72 (K12495).
- (b) Area 40 (Freezer) - Sensient Flavorings' "K Label" was affixed over and obscured the DOT "Flammable Liquid" Placard/Label located on a metal container of Methyl Butyrate \*2693 FP57F (K01996).
- (c) Area 40 (Freezer) - Sensient Flavorings' "K Label" was affixed over and obscured the DOT "Flammable Liquid" Placard/Label located on a glass container of 2-Methylbutyraldehyde \*2691 (K01713).
- (d) Flammable Storage Room 14 (Area 14) - Sensient Flavorings' "K Label" was affixed over and obscured the DOT "Flammable Liquid" Placard/Label located on a metal container of Propyl Propionate \*2958 (K09896).
- (e) Flammable Storage Room 14 (Area 14) - Sensient Flavorings' "K Label" was affixed over and obscured the DOT "Flammable Liquid" Placard/Label located on a metal container of Pinene Alpha NAT \*2902 (K01779).
- (f) Area 41 (Refrigerator/Cooler) - Sensient Flavorings' "K Label" was affixed over and obscured the DOT "Flammable Liquid" Placard/Label located on a plastic container of Hexanal Ald C (K09677).
- (g) Warehouse (Near Dry Blend) - Sensient Flavorings' "K Label" was affixed over and obscured the "health" and "flammability" portions of the chemical manufacturer's/vendor's HMIS Hazard Warning Label located on a plastic container of Propenyl Guaethol \*2922 (K01655).

Date By Which Violation Must be Abated: 04/12/2012  
Proposed Penalty: \$7,000.00

  
\_\_\_\_\_  
Robert A. Kattau  
Director, Industrial Compliance

Indiana Department of Labor  
Indiana Occupational Safety and Health  
Administration

Inspection Number: 315051318  
Inspection Dates: 09/15/2011 - 04/20/2012  
Issuance Date: 06/18/2012



Safety Order and Notification of Penalty

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

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

IC 22-8-1.1, Section 2: The employer did not establish and maintain conditions of work which were reasonably safe and healthful for employees, and free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to harmful airborne concentrations of acetic acid which could lead to employees experiencing injuries and/or illnesses such as, but not limited to decreased pulmonary (lung) function and/or severe respiratory tract irritation:

(a) Flammable Liquid Compounding Area - A Compounder was exposed to acetic acid at 28.50 parts per million (ppm) for a 15-minute time-weighted average (TWA); approximately 1.9 times the 2011 American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Value (TLV-STEL) of 15.0 ppm for acetic acid. The exposure level was derived from a 15 minute sampling period on February 2, 2012.

(b) Flammable Liquid Compounding Area - A Compounder was exposed to acetic acid at 54.70 parts per million (ppm) for a 15-minute time-weighted average (TWA); approximately 3.7 times the 2011 American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Value (TLV-STEL) of 15.0 ppm for acetic acid. The exposure level was derived from a 15 minute sampling period on February 2, 2012.

Among other methods, one feasible and acceptable method to correct this hazard is to install a local exhaust ventilation (LEV) system in the portions of the Flammable Liquid Compounding Area where acetic acid is transferred. This LEV system should be sufficient in power (capture velocity, flowrate, etc.) and location so that any acetic acid that is generated and/or emitted during transfer/pouring operations is removed from the point of use or generation prior to entering employees' breathing zones.

Abatement Schedule

STEP 1- Effective respiratory protection shall be provided to and used by exposed employees as an interim measure until feasible engineering and/or administrative controls can be implemented or whenever such controls fail to reduce employee exposure to within permissible exposure limits.

Date By Which STEP 1 Must be Abated

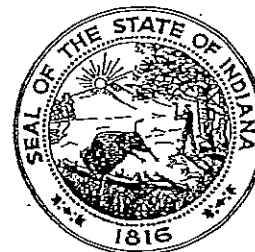
07/06/2012

STEP 2- A written detailed plan of abatement shall be submitted to the Director outlining a schedule for the implementation of engineering and/or administrative measures to control employee exposures to noise as referenced in this Safety Order. This plan shall include, at a minimum, target dates for the following actions which must be consistent with the abatement dates required by this Safety Order:

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Inspection Number: 315051318  
Inspection Dates: 09/15/2011 - 04/20/2012  
Issuance Date: 06/18/2012



Safety Order and Notification of Penalty

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

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

IC 22-8-1.1, Section 2: The employer did not establish and maintain conditions of work which were reasonably safe and healthful for employees, and free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to 2<sup>nd</sup> and/or 3<sup>rd</sup> degree burns and smoke inhalation due to improper storage of flammable and combustible liquids:

(a) Parking Lot (5700 Area) - Receiving employees accessed flammable and/or combustible liquids stored inside of six trailers which were located outside of the facility. None of the these six trailers were equipped with ventilation that exhausted the air from inside of the trailers.

(b) Parking Lot (5700 Area) - Receiving employees accessed flammable and/or combustible liquids stored inside of six trailers which were located outside of the facility. None of the these six trailers were equipped with spill containment systems.

Among other methods, one feasible and acceptable method to correct these hazards is to store flammable and combustible liquids in accordance with the National Fire Protection Association's (NFPA) *Flammable and Combustible Liquids Code* (NFPA 30-2008). Specifically, the trailers should be designed in accordance with Section 14 (Hazardous Material Storage Lockers) of NFPA 30-2008.

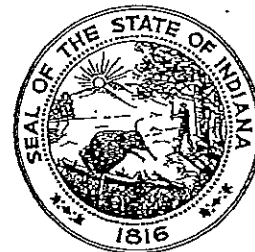
**Date By Which Violation Must be Abated:** 07/13/2012

**Proposed Penalty:** \$5,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Inspection Number: 315051318  
Inspection Dates: 09/15/2011 - 04/20/2012  
Issuance Date: 06/18/2012



Safety Order and Notification of Penalty

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

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

29 CFR 1910.37(a)(2): Exit routes were not arranged so that employees did not have to travel toward a high hazard area:

(a) Flammable Storage Room (Area 14) - One of the designated emergency exit route(s) from the X-Oil Room ran through Area 14, where approximately 11,000 gallons of flammable (Class IA, IB & IC) liquids were stored.

(b) Reactions Area - One of the designated emergency exit route(s) from the X-Oil Room ran through the Reactions Area, where concentrations of hydrogen sulfide (H<sub>2</sub>S) in excess of the OSHA Permissible Exposure Limit (PEL) (Ceiling) and IDLH were present.

Date By Which Violation Must be Abated: 07/13/2012  
Proposed Penalty: \$5,000.00

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

29 CFR 1910.106(e)(2)(iv)(d): Flammable or combustible liquids were not drawn from or transferred into vessels, containers, or portable tanks within a building only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container or portable tanks by gravity through an approved self-closing valve:

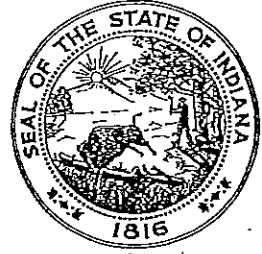
Facility Wide - Employees transferred flammable and combustible liquids such as, but not limited to ethyl alcohol (ethanol), acetic acid, dimethyl sulfide and benzaldehyde from various drums and/or containers using manually activated dispensing valves.

Date By Which Violation Must be Abated: 07/13/2012  
Proposed Penalty: \$5,000.00

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

Inspection Number: 315051318  
Inspection Dates: 09/15/2011 - 04/20/2012  
Issuance Date: 06/18/2012



**Safety Order and Notification of Penalty**

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

**Safety Order 1 Item 15 Type of Violation: **Serious****

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace with an evaluation which included a reasonable estimate of employee exposures to respiratory hazard(s) and an identification of the contaminant's chemical state and physical form. Where the employer could not identify or reasonably estimate the employee exposure, the employer did not consider the atmosphere to be IDLH:

Reactions Area - An Industrial Scientific Corporation (ISC) iTrans Part Number 77023554 Hydrogen Sulfide (H<sub>2</sub>S) Monitor was mounted on the East wall of the Reactions Area. Employees also wore BW Technologies GasAlertClip Extreme Model GA2XT-H H<sub>2</sub>S Monitors. The H<sub>2</sub>S concentrations measured by the fixed (wall) H<sub>2</sub>S monitor and the personal H<sub>2</sub>S monitors were not recorded or used to evaluate the respiratory hazards. Even though there was no reasonable estimate of employee exposure to H<sub>2</sub>S, the employer did not consider the atmosphere inside of the Reactions Area to be IDLH. Compounders inside of the Reactions Area were exposed to H<sub>2</sub>S concentrations up to approximately 10.0 times the OSHA Permissible Exposure Limit (PEL) of 20 parts per million (ppm) (Ceiling) and 2.0 times the NIOSH IDLH of 100 ppm.

**Date By Which Violation Must be Abated:**

**07/13/2012**

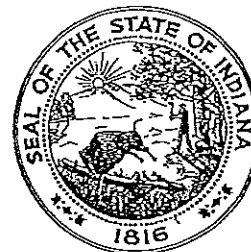
**Proposed Penalty:**

**\$7,000.00**

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Inspection Number: 315051318  
Inspection Dates: 09/15/2011 - 04/20/2012  
Issuance Date: 06/18/2012



Safety Order and Notification of Penalty

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

Safety Order 1 Item 17 Type of Violation: **Serious**

29 CFR 1910.134(d)(3)(i): The employer did not provide a respirator that was adequate to protect the health of the employee and ensure compliance with all other OSHA statutory and regulatory requirements, under routine and reasonably foreseeable emergency situations:

X-Oil Room, Liquid Compounding - Compounders who were exposed to diacetyl (2,3-butanedione) were required to wear full-face air-purifying respirators (APR) with organic vapor cartridges. While wearing these APRs, Compounders were exposed to diacetyl concentrations in excess of approximately 400 times the American Conference of Governmental Industrial Hygienists (ACGIH) 2012 Threshold Limit Value (TLV-STEL) of 0.02 parts per million (ppm) for diacetyl. Based on these exposure levels (concentrations), the Compounders' exposure to diacetyl was above the maximum use concentration (MUC) for the full-face APR.

Date By Which Violation Must be Abated: 07/13/2012  
Proposed Penalty: \$7,000.00

Safety Order 1 Item 18 Type of Violation: **Serious**

29 CFR 1910.134(d)(3)(i)(B)(1): The employer did not select a respirator for employee use that maintained the employee's exposure to the hazardous substance, when measured outside the respirator, at or below the maximum use concentration (MUC):

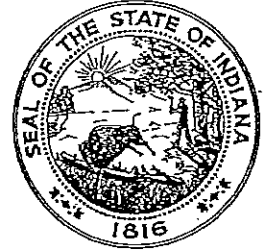
X-Oil Room, Liquid Compounding - Compounders who were exposed to diacetyl (2,3-butanedione) were required to wear full-face air-purifying respirators (APR) equipped with organic vapor cartridges. While wearing these APRs, Compounders were exposed to diacetyl concentrations in excess of approximately 400 times the American Conference of Governmental Industrial Hygienists (ACGIH) 2012 Threshold Limit Value (TLV-STEL) of 0.02 parts per million (ppm) for diacetyl. Based on these exposure levels (concentrations), the Compounders' exposure to diacetyl was above the maximum use concentration (MUC) for the full-face APR.

Date By Which Violation Must be Abated: 07/13/2012  
Proposed Penalty: \$7,000.00



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Indiana Occupational Safety and Health  
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Inspection Dates: 09/15/2011 - 04/20/2012  
Issuance Date: 06/18/2012



**Safety Order and Notification of Penalty**

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

**Safety Order 1 Item 21 Type of Violation: Serious**

29 CFR 1910.146(d)(9): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces to rescued employees, and for preventing unauthorized personnel from attempting a rescue:

Liquid Compounding and Flammable Liquid Compounding Areas - Maintenance employees entered permit-required confined spaces (PRCSs) such as, but not limited to process vessels and tanks. Sensient Flavors' confined space entry rescue service was the Wayne Township Fire Department (WTFD), who was to be contacted through "911". However, the WTFD was not equipped, trained or proficient in performing confined space entry rescues. In fact, the WTFD does not have a confined space entry rescue team.

**Date By Which Violation Must be Abated:** 07/13/2012  
**Proposed Penalty:** \$5,000.00

**Safety Order 1 Item 22 Type of Violation: Serious**

29 CFR 1910.146(k)(1)(i): The employer did not evaluate the prospective rescuer's ability to respond to a rescue summons in a timely manner, considering the hazards identified:

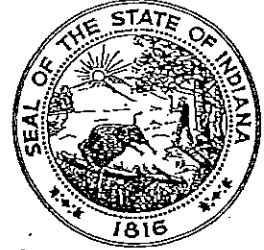
Liquid Compounding and Flammable Liquid Compounding Areas - Maintenance employees entered permit-required confined spaces (PRCSs) such as, but not limited to process vessels and tanks. Sensient Flavors' confined space entry rescue service was the Wayne Township Fire Department (WTFD), who was to be contacted through "911". However, the WTFD was not equipped, trained or proficient in performing confined space entry rescues. In fact, the WTFD does not have a confined space entry rescue team.

**Date By Which Violation Must be Abated:** 07/13/2012  
**Proposed Penalty:** \$5,000.00

Indiana Department of Labor

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Inspection Number: 315051318  
Inspection Dates: 09/15/2011 - 04/20/2012  
Issuance Date: 06/18/2012



Safety Order and Notification of Penalty

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

Safety Order 1 Item 25 Type of Violation: **Serious**

29 CFR 1910.146(k)(5)(v): The employer did not provide the rescue team or service selected with access to all permit spaces from which rescue may have been necessary so that the rescue service could develop appropriate rescue plans and practice rescue operations:

Liquid Compounding and Flammable Liquid Compounding Areas - Maintenance employees entered permit-required confined spaces (PRCSs) such as, but not limited to process vessels and tanks. Sensient Flavors' confined space entry rescue service was the Wayne Township Fire Department (WTFD), who was to be contacted through "911". However, the WTFD was not equipped, trained or proficient in performing confined space entry rescues. In fact, the WTFD does not have a confined space entry rescue team.

Date By Which Violation Must be Abated: 07/13/2012  
Proposed Penalty: \$5,000.00

Safety Order 1 Item 26 Type of Violation: **Serious**

29 CFR 1910.307(c): Equipment, wiring methods, and installations of equipment in hazardous (classified) locations were not intrinsically safe, or approved for the hazardous (classified) location, or safe for the hazardous (classified) location:

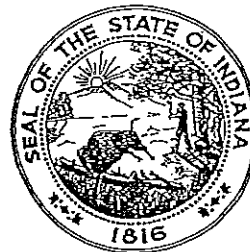
Parking Lot (5700 Area) - Receiving employees accessed flammable and/or combustible liquids stored inside of six trailers which were located outside of the facility. Electrical equipment and installations such as, but not limited to the Thermo King Model 210-30 Air Return Bulkhead used on these six trailers were not listed or approved for use in a Class I, Division 2 hazardous location.

Date By Which Violation Must be Abated: 07/13/2012  
Proposed Penalty: \$5,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health  
Administration

Inspection Number: 315051318  
Inspection Dates: 09/15/2011 - 04/20/2012  
Issuance Date: 06/18/2012



Safety Order and Notification of Penalty

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

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

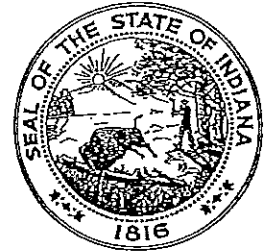
IC 22-8-1.1, Section 2: The employer did not establish and maintain conditions of work which were reasonably safe and healthful for employees, and free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to harmful airborne concentrations of diacetyl (2,3-butanedione) which could lead to employees experiencing injuries and/or illnesses such as, but not limited to permanent lung impairment and/or disease:

- (a) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 3.18 parts per million (ppm) for a 15-minute time-weighted average (TWA); approximately 159 times the 2012 American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Value (TLV-STEL) of 0.02 ppm for diacetyl and approximately 169 times the limit of quantification (LOQ). The exposure level was derived from a 9 minute sampling period on December 19, 2011. Zero exposure was assumed for the 6 minutes not sampled.
- (b) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.0994 parts per million (ppm) for an 8-hour time-weighted average (TWA); approximately 9.94 times the 2012 ACGIH Threshold Limit Value (TLV-TWA) of 0.01 ppm for diacetyl and approximately 169 times the limit of quantification (LOQ). The exposure level was derived from a 9 minute sampling period on December 19, 2011. Zero exposure was assumed for the 471 minutes not sampled.
- (c) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 1.32 parts per million (ppm) for a 15-minute time-weighted average (TWA); approximately 66 times the 2012 ACGIH Threshold Limit Value (TLV-STEL) of 0.02 ppm for diacetyl and approximately 72 times the limit of quantification (LOQ). The exposure level was derived from a 9 minute sampling period on December 19, 2011. Zero exposure was assumed for the 6 minutes not sampled.
- (d) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.0413 parts per million (ppm) for an 8-hour time-weighted average (TWA); approximately 4.13 times the 2012 ACGIH Threshold Limit Value (TLV-TWA) of 0.01 ppm for diacetyl and approximately 169 times the limit of quantification (LOQ). The exposure level was derived from a 9 minute sampling period on December 19, 2011. Zero exposure was assumed for the 471 minutes not sampled.
- (e) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 6.10 parts per

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Safety Order and Notification of Penalty

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

(k) Packaging Department - A Packager was exposed to diacetyl (2,3-butanedione) at 0.0134 parts per million (ppm) for an 8-hour time-weighted average (TWA); approximately 1.34 times the 2012 ACGIH Threshold Limit Value (TLV-TWA) of 0.01 ppm for diacetyl and approximately 8.85 times the limit of quantification (LOQ). The exposure level was derived from a 92 minute sampling period on January 18, 2011. Zero exposure was assumed for the 388 minutes not sampled.

(l) Packaging Department - A Packager was exposed to diacetyl (2,3-butanedione) at 0.05 parts per million (ppm) for a 15-minute time-weighted average (TWA); approximately 2.58 times the 2012 ACGIH Threshold Limit Value (TLV-STEL) of 0.02 ppm for diacetyl and approximately 2.8 times the limit of quantification (LOQ). The exposure level was derived from a 13 minute sampling period on January 18, 2011. Zero exposure was assumed for the 2 minutes not sampled.

(m) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.9013 parts per million (ppm) for a 15-minute time-weighted average (TWA); approximately 45 times the 2012 ACGIH Threshold Limit Value (TLV-STEL) of 0.02 ppm for diacetyl and approximately 48 times the limit of quantification (LOQ). The exposure level was derived from a 13 minute sampling period on February 10, 2012. Zero exposure was assumed for the 2 minutes not sampled.

(n) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.2370 parts per million (ppm) for a 15-minute time-weighted average (TWA); approximately 12 times the 2012 ACGIH Threshold Limit Value (TLV-STEL) of 0.02 ppm for diacetyl and approximately 13 times the limit of quantification (LOQ). The exposure level was derived from a 15 minute sampling period on February 10, 2012.

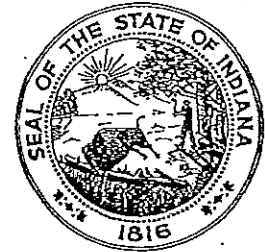
(o) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 5.28 parts per million (ppm) for a 15-minute time-weighted average (TWA); approximately 264 times the 2012 ACGIH Threshold Limit Value (TLV-STEL) of 0.02 ppm for diacetyl and approximately 279 times the limit of quantification (LOQ). The exposure level was derived from a 14 minute sampling period on February 10, 2012. Zero exposure was assumed for the 1 minute not sampled.

(p) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 8.40 parts per million (ppm) for a 15-minute time-weighted average (TWA); approximately 420 times the 2012 ACGIH Threshold Limit Value (TLV-STEL) of 0.02 ppm for diacetyl and approximately 445 times the limit of quantification (LOQ). The exposure level was derived from a 12 minute sampling period on February 10, 2012. Zero exposure was assumed for the 3 minutes not sampled.

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Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

(w) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.050 parts per million (ppm) for a 15-minute time-weighted average (TWA); approximately 2.28 times the 2012 ACGIH Threshold Limit Value (TLV-STEL) of 0.02 ppm for diacetyl and approximately 2.42 times the limit of quantification (LOQ). The exposure level was derived from a 11 minute sampling period on February 13, 2012. Zero exposure was assumed for the 4 minutes not sampled.

(x) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.324 parts per million (ppm) for a 15-minute time-weighted average (TWA); approximately 16 times the 2012 ACGIH Threshold Limit Value (TLV-STEL) of 0.02 ppm for diacetyl and approximately 17 times the limit of quantification (LOQ). The exposure level was derived from a 15 minute sampling period on February 13, 2012.

(y) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.0115 parts per million (ppm) for an 8-hour time-weighted average (TWA); approximately 1.15 times the 2012 ACGIH Threshold Limit Value (TLV-TWA) of 0.01 ppm for diacetyl and an average of approximately 9.78 times the limit of quantification (LOQ). The exposure level was derived from a 26 minute sampling period on February 13, 2012. Zero exposure was assumed for the 454 minutes not sampled.

(z) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.0764 parts per million (ppm) for a 15-minute time-weighted average (TWA); approximately 3.82 times the 2012 ACGIH Threshold Limit Value (TLV-STEL) of 0.02 ppm for diacetyl and approximately 4.05 times the limit of quantification (LOQ). The exposure level was derived from a 12 minute sampling period on February 13, 2012. Zero exposure was assumed for the 3 minutes not sampled.

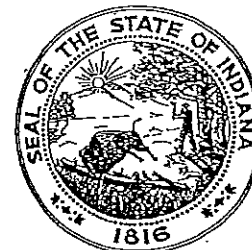
(aa) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.493 parts per million (ppm) for a 15-minute time-weighted average (TWA); approximately 25 times the 2012 ACGIH Threshold Limit Value (TLV-STEL) of 0.02 ppm for diacetyl and approximately 26 times the limit of quantification (LOQ). The exposure level was derived from a 15 minute sampling period on February 13, 2012.

(bb) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.0178 parts per million (ppm) for an 8-hour time-weighted average (TWA); approximately 1.78 times the 2012 ACGIH Threshold Limit Value (TLV-TWA) of 0.01 ppm for diacetyl and an average of approximately 15 times the limit of quantification (LOQ). The exposure level was derived from a 27 minute sampling period on February 13, 2012. Zero exposure was assumed for the 453 minutes not sampled.

Indiana Department of Labor

Indiana Occupational Safety and Health  
Administration

Inspection Number: 315051318  
Inspection Dates: 09/15/2011 - 04/20/2012  
Issuance Date: 06/18/2012



Safety Order and Notification of Penalty

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN. 46241

Safety Order 2 Item 2 Type of Violation: **Knowing**

29 CFR 1910.134(d)(1)(i): The employer did not select and provide an appropriate respirator based on the respiratory hazard(s) to which the worker was exposed and workplace and user factors that affected respirator performance and reliability:

(a) Reactions Area - On January 18, 2012, Compounders who were exposed to hydrogen sulfide (H<sub>2</sub>S) wore North Model P/80802 Full-Face Respirators equipped with North Part Number N7500-4 AM/MA (ammonia/methylamine) Respirator Cartridges. While pouring ammonium sulfide into a reactor, one of the Compounder's personal H<sub>2</sub>S meters alarmed.

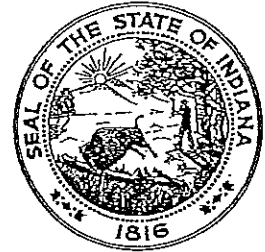
(b) X-Oil Room, Liquid Compounding - Compounders who were exposed to diacetyl (2-3-butanedione) wore 3M full-face air-purifying respirators with 3M Part Number 6003 Organic Vapor/Acid Gas Respirator Cartridges which were not equipped with particulate filters. While wearing these APRs, Compounders were exposed to diacetyl concentrations in excess of approximately 400 times the American Conference of Governmental Industrial Hygienists (ACGIH) 2012 Threshold Limit Value (TLV-STEL) of 0.02 parts per million (ppm) for diacetyl.

Date By Which Violation Must be Abated: 07/13/2012  
Proposed Penalty: \$70,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Inspection Number: 315051318  
Inspection Dates: 09/15/2011 - 04/20/2012  
Issuance Date: 06/18/2012



Safety Order and Notification of Penalty

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

(g) Reactions Area - A Compounder was exposed to hydrogen sulfide at 200 parts per million (ppm); approximately 10.0 times the OSHA Permissible Exposure Limit (PEL) of 20 ppm (Ceiling). The exposure level was derived at 2:21:21 pm on January 26, 2012.

(h) Reactions Area - A Compounder was exposed to hydrogen sulfide at 200 parts per million (ppm); approximately 10.0 times the OSHA Permissible Exposure Limit (PEL) of 20 ppm (Ceiling). The exposure level was derived at 2:21:26 pm on January 26, 2012.

(i) Reactions Area - A Compounder was exposed to hydrogen sulfide at 125 parts per million (ppm); approximately 6.25 times the OSHA Permissible Exposure Limit (PEL) of 20 ppm (Ceiling). The exposure level was derived at 2:21:31 pm on January 26, 2012.

(j) Reactions Area - A Compounder was exposed to hydrogen sulfide at 66 parts per million (ppm); approximately 3.30 times the OSHA Permissible Exposure Limit (PEL) of 20 ppm (Ceiling). The exposure level was derived at 2:21:36 pm on January 26, 2012.

(k) Reactions Area - A Compounder was exposed to hydrogen sulfide at 44 parts per million (ppm); approximately 2.20 times the OSHA Permissible Exposure Limit (PEL) of 20 ppm (Ceiling). The exposure level was derived at 2:21:41 pm on January 26, 2012.

(l) Reactions Area - A Compounder was exposed to hydrogen sulfide at 36 parts per million (ppm); approximately 1.80 times the OSHA Permissible Exposure Limit (PEL) of 20 ppm (Ceiling). The exposure level was derived at 2:21:46 pm on January 26, 2012.

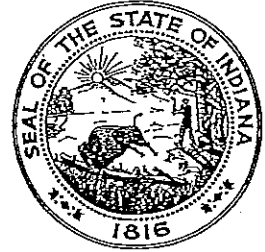
(m) Reactions Area - A Compounder was exposed to hydrogen sulfide at 26 parts per million (ppm); approximately 1.30 times the OSHA Permissible Exposure Limit (PEL) of 20 ppm (Ceiling). The exposure level was derived at 2:21:51 pm on January 26, 2012.

**Date By Which Violation Must be Abated:** 09/17/2012  
**Proposed Penalty:** \$70,000.00

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

Inspection Number: 315051318  
Inspection Dates: 09/15/2011 - 04/20/2012  
Issuance Date: 06/18/2012



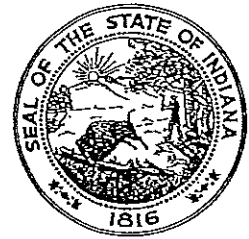
**Safety Order and Notification of Penalty**

Company Name: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241

- (g) Reactions Area - A Compounder was exposed to hydrogen sulfide at 200 parts per million (ppm); approximately 10.0 times the OSHA Permissible Exposure Limit (PEL) of 20 ppm (Ceiling). The exposure level was derived at 2:21:21 pm on January 26, 2012.
- (h) Reactions Area - A Compounder was exposed to hydrogen sulfide at 200 parts per million (ppm); approximately 10.0 times the OSHA Permissible Exposure Limit (PEL) of 20 ppm (Ceiling). The exposure level was derived at 2:21:26 pm on January 26, 2012.
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- (j) Reactions Area - A Compounder was exposed to hydrogen sulfide at 66 parts per million (ppm); approximately 3.30 times the OSHA Permissible Exposure Limit (PEL) of 20 ppm (Ceiling). The exposure level was derived at 2:21:36 pm on January 26, 2012.
- (k) Reactions Area - A Compounder was exposed to hydrogen sulfide at 44 parts per million (ppm); approximately 2.20 times the OSHA Permissible Exposure Limit (PEL) of 20 ppm (Ceiling). The exposure level was derived at 2:21:41 pm on January 26, 2012.
- (l) Reactions Area - A Compounder was exposed to hydrogen sulfide at 36 parts per million (ppm); approximately 1.80 times the OSHA Permissible Exposure Limit (PEL) of 20 ppm (Ceiling). The exposure level was derived at 2:21:46 pm on January 26, 2012.
- (m) Reactions Area - A Compounder was exposed to hydrogen sulfide at 26 parts per million (ppm); approximately 1.30 times the OSHA Permissible Exposure Limit (PEL) of 20 ppm (Ceiling). The exposure level was derived at 2:21:51 pm on January 26, 2012.



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: Sensient Flavors, LLC  
Inspection Site: 5600 West Raymond Street, Indianapolis, IN 46241  
Issuance Date: 06/18/2012

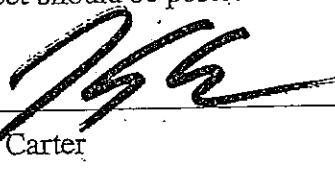
Summary of Penalties for Inspection Number		315051318
Safety Order 01, Serious	=	\$113,500.00
Safety Order 02, Knowing	=	\$210,000.00
Total Proposed Penalties		\$323,500.00

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).

  
Jeffrey S. Carter  
Deputy Commissioner, IOSHA

  
Date

**EXHIBIT B**

**AGREED ENTRY - SENSIENT FLAVORS LLC**  
**(CASE DOCKET NO. 12-006 and 12-015)**

**Safety Order 1 Item 17 –**

X-Oil Room, Liquid Compounding - Compounders who were exposed to diacetyl (2,3-butanedione) were required to wear full-face air-purifying respirators (APR) with with organic vapor cartridges. While wearing these APRs, Compounders were exposed to diacetyl concentrations in excess of approximately 40 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm.

**Safety Order 1 Item 18 –**

X-Oil Room, Liquid Compounding - Compounders who were exposed to diacetyl (2,3-butanedione) were required to wear full-face air-purifying respirators (APR) with with organic vapor cartridges. While wearing these APRs, Compounders were exposed to diacetyl concentrations in excess of approximately 40 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm.

**Safety Order 2 Item 1 -**

(a) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 3.18 parts per million (ppm) for 15 minute time-weighted average (TWA); approximately 1.5 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm. The exposure level was derived from a 9 minute sampling period on December 19, 2011. Zero exposure was assumed for the 6 minutes not sampled.

(b) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.0994 parts per million (ppm) for an 8-hour time-weighted average (TWA); approximately 2 times the 2009 OSHA proposed diacetyl TWA permissible exposure limit (PEL) of 0.05 ppm. The exposure level was derived from a 9 minute sampling period on December 19, 2011. Zero exposure was assumed for the 471 minutes not sampled.

(c) X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 1.32 parts per million (ppm) for 15 minute time-weighted average (TWA); approximately 6.6 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm.

**(d) Delete as not exceeding threshold of 0.05 ppm TWA.**

**(e) Change lettering from (e) to (d)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 6.10 parts per million (ppm) for 15 minute time-weighted average (TWA); approximately 30.5 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm. The exposure level was derived from a 15 minute sampling period on December 21, 2011.

**(f) Change lettering from (f) to (e)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 3.23 parts per million (ppm) for 15 minute time-weighted average (TWA); approximately 16.2 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm. The exposure level was derived from a 10 minute sampling period on December 21, 2011. Zero exposure was assumed for the 5 minutes not sampled.

**(g) Change lettering from (g) to (f)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.2917 parts per million (ppm) for an 8-hour time-weighted average (TWA); approximately 5.8 times the 2009 OSHA proposed diacetyl TWA permissible exposure limit (PEL) of 0.05 ppm. The exposure level was derived from a 25 minute sampling period on December 21, 2011. Zero exposure was assumed for the 455 minutes not sampled.

**(h) Change lettering from (h) to (g)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 6.13 parts per million (ppm) for 15 minute time-weighted average (TWA); approximately 30.7 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm. The exposure level was derived from a 14 minute sampling period on December 21, 2011. Zero exposure was assumed for the 1 minute not sampled.

**(i) Change lettering from (i) to (h)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 1.57 parts per million (ppm) for 15 minute time-weighted average (TWA); approximately 7.9 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm. The exposure level was derived from a 11 minute sampling period on December 21, 2011. Zero exposure was assumed for the 4 minutes not sampled.

**(j) Change lettering from (j) to (i)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.2407 parts per million (ppm) for an 8-hour time-weighted average (TWA); approximately 4.8 times the 2009 OSHA proposed diacetyl TWA permissible exposure limit (PEL) of 0.05 ppm. The exposure level was derived from a 25 minute sampling period on December 21, 2011. Zero exposure was assumed for the 455 minutes not sampled.

**(k) Delete as not exceeding threshold of 0.05 ppm TWA.**

**(l) Delete as not exceeding threshold of 0.20 ppm STEL.**

**(m) Change lettering from (m) to (j)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.9013 parts per million (ppm) for 15 minute time-weighted average (TWA); approximately 4.5 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm. The exposure level was derived from a 13 minute sampling period on February 10, 2012. Zero exposure was assumed for the 2 minutes not sampled.

**(n) Change lettering from (n) to (k)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.2370 parts per million (ppm) for 15 minute time-weighted average (TWA); approximately 1.2 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm. The exposure level was derived from a 15 minute sampling period on February 10, 2012.

**(o) Change lettering from (o) to (l)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 5.28 parts per million (ppm) for 15 minute time-weighted average (TWA); approximately 26.4 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm. The exposure level was derived from a 14 minute sampling period on February 10, 2012. Zero exposure was assumed for the 1 minute not sampled.

**(p) Change lettering from (p) to (m)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 8.40 parts per million (ppm) for 15 minute time-weighted average (TWA); approximately 42 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm. The exposure level was derived from a 12 minute sampling period on February 10, 2012. Zero exposure was assumed for the 3 minutes not sampled.

**(q) Change lettering from (q) to (n)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.4632 parts per million (ppm) for an 8-hour time-weighted average (TWA); approximately 9.3 times the 2009 OSHA proposed diacetyl TWA permissible exposure limit (PEL) of 0.05 ppm. The exposure level was derived from a 54 minute sampling period on February 10, 2012. Zero exposure was assumed for the 426 minutes not sampled.

**(r) Change lettering from (r) to (o)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 2.70 parts per million (ppm) for 15 minute time-weighted average (TWA); approximately 13.5 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm. The exposure level was derived from a 12 minute sampling period on February 10, 2012. Zero exposure was assumed for the 3 minutes not sampled.

**(s) Delete as not exceeding threshold of 0.20 ppm STEL.**

**(t) Change lettering from (t) to (p)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 4.79 parts per million (ppm) for 15 minute time-weighted average (TWA); approximately 24 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm. The exposure level was derived from a 15 minute sampling period on February 10, 2012.

**(u) Change lettering from (u) to (q)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 9.19 parts per million (ppm) for 15 minute time-weighted average (TWA); approximately 46 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm. The exposure level was derived from a 13 minute sampling period on February 10, 2012. Zero exposure was assumed for the 2 minutes not sampled.

**(v) Change lettering from (v) to (r)**

X-Oil Room, Liquid Compounding - A Compounder was exposed to diacetyl (2,3-butanedione) at 0.5223 parts per million (ppm) for an 8-hour time-weighted average (TWA); approximately 10.4 times the 2009 OSHA proposed diacetyl TWA permissible exposure limit (PEL) of 0.05 ppm. The exposure level was derived from a 55 minute sampling period on February 10, 2012. Zero exposure was assumed for the 425 minutes not sampled.

**(w) Delete as no diacetyl was used on February 13, 2012. It was only an acetoin pour.**

(x) Delete as no diacetyl was used on February 13, 2012. It was only an acetoin pour.

(y) Delete as no diacetyl was used on February 13, 2012. It was only an acetoin pour.

(z) Delete as no diacetyl was used on February 13, 2012. It was only an acetoin pour.

(aa) Delete as no diacetyl was used on February 13, 2012. It was only an acetoin pour.

(bb) Delete as no diacetyl was used on February 13, 2012. It was only an acetoin pour.

**Originally – Safety Order 2 Item 2(b) – changes to subparagraph under Safety Order 1 Item 17 (Respirator)**

(b) X-Oil Room, Liquid Compounding - Compounders who were exposed to diacetyl (2,3-butanedione) while wearing full-face air-purifying respirators (APR) with 3M Part Number 6003 Organic Vapor/Acid Respirator Cartridges in excess of approximately 40 times the 2009 OSHA proposed diacetyl short term exposure limit (STEL) of 0.20 ppm.