

SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as "Commissioner") and Uncle Rudy's Indoor Firing Range (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty IOSHA Inspection No. 318018462 issued to the Employer on May 19, 2017 in the following manner:

SAFETY ORDER 01:

- Item 1a and 1b: Deleted. Penalty is reduced to \$150. Abated.
- Item 2: Upheld. Penalty is reduced to \$150. Abated.
- Item 3: Upheld. Penalty is reduced to \$150. Abated.
- Item 4: Upheld. Penalty is reduced to \$150. Abated.
- Item 5: Reduced to Nonserious. Penalty is reduced to \$0. Abated.
- Item 6: Upheld. Penalty is reduced to \$150. Abated.
- Item 7: Upheld. Penalty is reduced to \$150. Abated.
- Item 8: Upheld. Penalty is reduced to \$150. Abated.
- Item 9: Upheld. Penalty is reduced to \$150. Abated.

In consideration of the above amendments the employer agrees to or implemented the following:

1. Employer had engineering consulting firm diagnose ducts and air flow.
2. Insafe sampled and found no overages of PELs prior to enforcement inspection.
3. Employer to provide personal air sampling data in the trapping area to show below PEL with practice changes by September 4, 2017.
4. Employer made engineering/administrative changes to trapping area to decrease level of exposure.

The TOTAL AGREED PENALTY is \$1200.

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

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

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

The total AGREED PENALTY is due and payable within fifteen (15) working days from the Employer's execution of this Agreement. The Employer further agrees that if the AGREED PENALTY is not paid within fifteen working days from the Employer's execution of this Agreement, that the full amount of the penalty initially assessed against the Employer in the Safety Order(s) and Notification(s) of Penalty which are the subject of this Agreement is due and payable immediately.

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

UNCLE RUDY'S INDOOR FIRING RANGE

By: [Signature]

Title: MEMBER

Date: 6/9/17

COMMISSIONER OF LABOR

By: [Signature]

Title: Director

Date: 6/16/17

Indiana Department of Labor

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



certified mail # 7012 2210 0002 47296931 4-19-17 jto

Safety Order and Notification of Penalty

To:
Uncle Rudys Indoor Firing Range
5000 Plaza East Boulevard
Evansville, IN 47715

Inspection Number: 318018462
CSHO ID: O3879
Optional Report No.: 0092-17
Inspection Date(s): 10/20/2016 - 3/8/2017
Issuance Date: 4/19/2017

Inspection Site:
5000 Plaza East Boulevard
Evansville, IN 47715

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

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

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

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

and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

Posting - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

Penalties - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

Abatement - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

PMAs - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance

during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty..

Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Indiana Department of Labor/IOSHA at the address shown above.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must

be mailed to the Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

Indiana Department of Labor

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 4/19/2017. 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: 318018462
Inspection Date(s): 10/20/2016 - 3/8/2017
Issuance Date: 4/19/2017
CSHO ID: O3879
Optional Report No.: 0092-17

Safety Order and Notification of Penalty

Company Name: Uncle Rudys Indoor Firing Range
Inspection Site: 5000 Plaza East Boulevard, Evansville, IN 47715

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 001a Type of Violation: **Serious**

29 CFR 1910.134(g)(1)(i)(A): Respirators with tight-fitting facepiece were worn by employees who had facial hair that came between the sealing surface of the facepiece and the face or that interfered with valve function:

Lead Trap Area - An employee exposed to an 8-hour TWA lead concentration of 0.1554 mg/m³, 3.1 times the PEL of 0.05 mg/m³, was wearing a tight-fitting respirator with facial hair that came between the sealing surface of the facepiece and the face.

Date By Which Violation Must Be Abated: **5/22/2017**
Proposed Penalty: **\$1,500.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318018462
Inspection Date(s): 10/20/2016 - 3/8/2017
Issuance Date: 4/19/2017
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Safety Order and Notification of Penalty

Company Name: Uncle Rudys Indoor Firing Range
Inspection Site: 5000 Plaza East Boulevard, Evansville, IN 47715

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

29 CFR 1910.1025(f)(2)(i): The employer did not implement a respiratory protection program in accordance with 29 CFR 1910.134(b) through (d) (except (d)(1)(iii)), and (f) through (m) for each employee required by 29 CFR 1910.1025 to use a respirator:

Lead Trap Area - An employee exposed to 0.1554 mg/m³ of lead, 3.1 times the PEL of .05 mg/m³, during trap cleaning activities had a beard while wearing a tight-fitting respirator.

Date By Which Violation Must Be Abated: **5/22/2017**
Proposed Penalty: **\$0.00**

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Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318018462
Inspection Date(s): 10/20/2016 - 3/8/2017
Issuance Date: 4/19/2017
CSHO ID: O3879
Optional Report No.: 0092-17

Safety Order and Notification of Penalty

Company Name: Uncle Rudys Indoor Firing Range
Inspection Site: 5000 Plaza East Boulevard, Evansville, IN 47715

Safety Order 01 Item 002

Type of Violation: **Serious**

29 CFR 1910.1025(c)(1): Employee(s) were exposed to lead at concentrations greater than fifty micrograms per cubic meter of air averaged over an eight-hour period:

Lead Trap Area - On March 08 and January 25, 2017, personal air samples collected from 2 employees who performed lead trap cleaning activities showed an 8-hour PEL (permissible exposure limit) for lead to be 0.1554 mg/m³ and 0.073 mg/mg³, approximately 3.1 and 1.46 times the 0.05 mg/m³ PEL respectively.

Date By Which Violation Must Be Abated: 5/22/2017
Proposed Penalty: \$1,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318018462
Inspection Date(s): 10/20/2016 - 3/8/2017
Issuance Date: 4/19/2017
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Optional Report No.: 0092-17

Safety Order and Notification of Penalty

Company Name: Uncle Rudys Indoor Firing Range
Inspection Site: 5000 Plaza East Boulevard, Evansville, IN 47715

Safety Order 01 Item 003

Type of Violation: **Serious**

29 CFR 1910.1025(e)(1)(ii): For any employee who is exposed to lead above the permissible exposure limit, but for 30 days or less per year, the employer shall implement engineering controls to reduce exposures to 200 micrograms per cubic meter, but thereafter the employer did not implement any combination of engineering, work practice and respiratory controls to reduce and maintain employee exposure to or below 50 micrograms per cubic meter or less:

Lead Trap Area - Personal air samples collected from 2 employees who performed lead trap cleaning activities showed an 8-hour PEL (permissible exposure limit) for lead to be 0.1554 mg/m³ and 0.073 mg/m³, approximately 3.1 and 1.46 times the 0.05 mg/m³ PEL respectively. Controls to include engineering, work practice, and respiratory protection, were ineffective in reducing employee exposures below .05 mg/m³ (50 micrograms per cubic meter of air).

Date By Which Violation Must Be Abated: 5/22/2017
Proposed Penalty: \$1,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318018462
Inspection Date(s): 10/20/2016 - 3/8/2017
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Safety Order and Notification of Penalty

Company Name: Uncle Rudys Indoor Firing Range
Inspection Site: 5000 Plaza East Boulevard, Evansville, IN 47715

Safety Order 01 Item 004

Type of Violation: **Serious**

29 CFR 1910.1025(e)(3)(i): Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in paragraph (e)(1):

Lead Trap Area - No written lead compliance program was in place for employees who performed lead trap cleaning activities with lead exposures of 0.1554 mg/m3 (3.1 times the 0.05 mg/m3 PEL) and 0.073 mg/m3 (1.46 times the PEL).

Written plans for these compliance programs shall include at least the following: [A] A description of each operation in which lead is emitted; e.g. machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices; [B] A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead; [C] A report of the technology considered in meeting the permissible exposure limit; [D] Air monitoring data which documents the source of lead emissions; [E] A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.; [F] A work practice program which includes items required under paragraphs (g), (h) and (i) of this regulation; [G] An administrative control schedule required by paragraph (e)(6), if applicable; [H] Other relevant information.

Date By Which Violation Must Be Abated: 5/22/2017
Proposed Penalty: \$1,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318018462
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Safety Order and Notification of Penalty

Company Name: Uncle Rudys Indoor Firing Range
Inspection Site: 5000 Plaza East Boulevard, Evansville, IN 47715

Safety Order 01 Item 005

Type of Violation: **Serious**

29 CFR 1910.1025(g)(2)(vii)[A]: The employer shall ensure that labels of bags or containers of contaminated protective clothing and equipment include the following information: DANGER: CLOTHING AND EQUIPMENT CONTAMINATED WITH LEAD. MAY DAMAGE FERTILITY OR THE UNBORN CHILD. CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM. DO NOT EAT, DRINK OR SMOKE WHEN HANDLING. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

Lead Trap Area - Five gallon buckets of lead from spent ammunition clean-up activities were not labeled with the appropriate information regarding contamination and handling.

Date By Which Violation Must Be Abated: 5/22/2017
Proposed Penalty: \$1,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318018462
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Safety Order and Notification of Penalty

Company Name: Uncle Rudys Indoor Firing Range
Inspection Site: 5000 Plaza East Boulevard, Evansville, IN 47715

Safety Order 01 Item 006

Type of Violation: **Serious**

29 CFR 1910.1025(h)(1): All surfaces were not maintained as free as practicable of accumulations of lead:(a)(IDENTIFY SPECIFICS AND/OR LOCATION(S))

Mechanical Room - Wipe samples taken on March 8, 2017, from the work table showed lead surface contamination of 28 ug/100cm² and 30 ug/100cm² (ug/100cm² = micrograms per 100 centimeters squared).

Date By Which Violation Must Be Abated: 5/22/2017
Proposed Penalty: \$1,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318018462
Inspection Date(s): 10/20/2016 - 3/8/2017
Issuance Date: 4/19/2017
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Optional Report No.: 0092-17

Safety Order and Notification of Penalty

Company Name: Uncle Rudys Indoor Firing Range
Inspection Site: 5000 Plaza East Boulevard, Evansville, IN 47715

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

29 CFR 1910.1025(i)(2)(i): Clean change rooms were not provided for employees exposed to lead in excess of the permissible exposure limit (PEL), without regard to the use of respirators:

Lead Trap Area - Change rooms were not provided for employees who perform lead trap cleaning activities and showed an 8-hour PEL (permissible exposure limit) for lead to be 0.1554 mg/m³ and 0.073 mg/mg³, approximately 3.1 and 1.46 times the 0.05 mg/m³ PEL respectively.

Date By Which Violation Must Be Abated: **5/22/2017**
Proposed Penalty: **\$1,500.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318018462
Inspection Date(s): 10/20/2016 - 3/8/2017
Issuance Date: 4/19/2017
CSHO ID: O3879
Optional Report No.: 0092-17

Safety Order and Notification of Penalty

Company Name: Uncle Rudys Indoor Firing Range
Inspection Site: 5000 Plaza East Boulevard, Evansville, IN 47715

Safety Order 01 Item 008

Type of Violation: **Serious**

29 CFR 1910.1025(i)(3)(ii): Shower facilities, in accordance with 29 CFR 1910.141(d)(3), were not provided for employee(s) exposed to lead in excess of the permissible exposure limit (PEL), without regard to the use of respirators:

Lead Trap Area - Showers were not provided for employees who perform lead trap cleaning activities and showed an 8-hour PEL (permissible exposure limit) for lead to be 0.1554 mg/m³ and 0.073 mg/mg³, approximately 3.1 and 1.46 times the 0.05 mg/m³ PEL respectively.

Date By Which Violation Must Be Abated: 5/22/2017
Proposed Penalty: \$1,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318018462
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Company Name: Uncle Rudys Indoor Firing Range
Inspection Site: 5000 Plaza East Boulevard, Evansville, IN 47715

Safety Order 01 Item 009

Type of Violation: **Serious**

29 CFR 1910.1025(m)(2)(i): The employer shall post the following warning signs in each work area where the PEL is exceeded: DANGER LEAD MAY DAMAGE FERTILITY OR THE UNBORN CHILD CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM DO NOT EAT, DRINK OR SMOKE IN THIS AREA:

a) Lead Trap Area - No lead danger signage was posted on the entrance door to the lead traps where employees had an 8-hour PEL (permissible exposure limit) for lead of 0.1554 mg/m³ and 0.073 mg/mg³, approximately 3.1 and 1.46 times the 0.05 mg/m³ PEL respectively.

b) Range Entrance - No lead danger signage was posted on the entrance door to the gun range where employees had an 8-hour PEL (permissible exposure limit) for lead of 0.1554 mg/m³ and 0.073 mg/mg³, approximately 3.1 and 1.46 times the 0.05 mg/m³ PEL respectively.

Date By Which Violation Must Be Abated: 5/22/2017
Proposed Penalty: \$1,500.00



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

Indiana Department of Labor

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



INVOICE/DEBT COLLECTION NOTICE

Company Name: Uncle Rudys Indoor Firing Range
Inspection Site: 5000 Plaza East Boulevard, Evansville, IN 47715
Issuance Date: 4/19/2017

Summary of Penalties for Inspection Number: 318018462

Safety Order 1, Serious = \$13,500.00
TOTAL PENALTIES = \$13,500.00

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).

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

4.19.17

Date