

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE IOSHA BOARD OF
SAFETY REVIEW
CASE DOCKET NO. 14-006

IN THE MATTER OF:)
)
COMMISSIONER OF LABOR,)
)
Complainant,)
)
v.)
)
WABASH NATIONAL CORP.)
AND ITS SUCCESSORS,)
)
Respondent.)

FILED

NOV 20 2017

Indiana Board of
Safety Review

AGREED ENTRY

The parties to the above-captioned proceeding, the Commissioner of the Indiana Department of Labor (hereinafter "Complainant") and Wabash National Corp. (hereinafter "Respondent"), through their duly authorized representatives, desiring to enter into this Agreed Entry as final settlement of this matter, do hereby stipulate and agree as follows:

PART I

1. From December 11, 2013 through June 3, 2014, authorized employees of the Indiana Department of Labor conducted an inspection at the Respondent's worksite located at 1000 Sagamore Pkwy., Lafayette, Indiana 47903.

2. On June 11, 2014, Complainant issued a Safety Order and Notification of Penalty (hereinafter "Safety Order") resulting from Indiana Department of Labor Inspection No. 317397271 and alleging that Respondent had violated the Indiana Occupational Safety and Health Act (IC 22-8-1.1 *et seq.*) or the standards or rules thereunder. The Safety Order is attached hereto as Exhibit A and is incorporated herein.

3. On or about July 3, 2014, Respondent duly and timely petitioned for review of the Safety Order.

PART II.

4. The Safety Order consists of Safety Order 1, Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17a, 17b, and 17c.

5. Safety Order 1, Item 1 alleges a "Serious" violation of I.C. 22-8-1.1-2, the general duty clause, for employees working near damaged steel storage racks and assesses a penalty of Two Thousand Dollars (\$2,000).

6. Safety Order 1, Item 2 alleges a "Serious" violation of I.C. 22-8-1.1-2, the general duty clause, for employee press operators not having control over the mode selector key and assesses a penalty of Two Thousand Five Hundred Dollars (\$2,500).

7. Safety Order 1, Item 3 alleges a "Serious" violation of 29 CFR 1910.23(c)(1) and assesses a penalty of Three Thousand Five Hundred Dollars (\$3,500).

8. Safety Order 1, Item 4 alleges a "Serious" violation of 29 CFR 1910.95(b)(1) and assesses a penalty of Five Thousand Dollars (\$5,000).

9. Safety Order 1, Item 5 alleges a "Serious" violation of 29 CFR 1910.106(e)(2)(ii)[b][2] and assesses a penalty of Two Thousand Dollars (\$2,000).

10. Safety Order 1, Item 6 alleges a "Serious" violation of 29 CFR 1910.107(b)(2) and assesses a penalty of Three Thousand Five Hundred Dollars (\$3,500).

11. Safety Order 1, Item 7 alleges a "Serious" violation of 29 CFR 1910.107(b)(5)(i) and assesses a penalty of Three Thousand Five Hundred Dollars (\$3,500).

12. Safety Order 1, Item 8 alleges a "Serious" violation of 29 CFR 1910.107(c)(7) and assesses a penalty of Three Thousand Five Hundred Dollars (\$3,500).

13. Safety Order 1, Item 9 alleges a "Serious" violation of 29 CFR 1910.107(e)(2) and assesses a penalty of Three Thousand Five Hundred Dollars (\$3,500).
14. Safety Order 1, Item 10 alleges a "Serious" violation of 29 CFR 1910.107(g)(2) and assesses a penalty of Three Thousand Five Hundred Dollars (\$3,500).
15. Safety Order 1, Item 11 alleges a "Serious" violation of 29 CFR 1910.107(g)(3) and assesses a penalty of Two Thousand Dollars (\$2,000).
16. Safety Order 1, Item 12 alleges a "Serious" violation of 29 CFR 1910.107(l)(4)(i) and assesses a penalty of Two Thousand Dollars (\$2,000).
17. Safety Order 1, Item 13 alleges a "Serious" violation of 29 CFR 1910.178(c)(2)(iii) and assesses a penalty of Two Thousand Dollars (\$2,000).
18. Safety Order 1, Item 14 alleges a "Serious" violation of 29 CFR 1910.212(a)(3)(ii) and assesses a penalty of Two Thousand Five Hundred Dollars (\$2,500).
19. Safety Order 1, Item 15 alleges a "Serious" violation of 29 CFR 1910.217(e)(1)(i) and assesses a penalty of Two Thousand Five Hundred Dollars (\$2,500).
20. Safety Order 1, Item 16 alleges a "Serious" violation of 29 CFR 1910.242(a) and assesses a penalty of Two Thousand Five Hundred Dollars (\$2,500).
21. Safety Order 1, Item 17a alleges a "Serious" violation of 29 CFR 1910.305(g)(1)(iv)(A) and assesses a combined penalty, grouped with Items 17b&17c, of Two Thousand Five Hundred Dollars (\$2,500).
22. Safety Order 1, Item 17b alleges a "Serious" violation of 29 CFR 1910.305(g)(1)(iv)(B) and assesses no additional penalty above what is assessed in Item 17a.
23. Safety Order 1, Item 17c alleges a "Serious" violation of 29 CFR 1910.305(g)(2)(iii) and assesses no additional penalty above what is assessed in Item 17a.

24. The total assessed penalty for Safety Order 1 is Forty-Eight Thousand Five Hundred Dollars (\$48,500).

PART III

25. The Safety Order is hereby amended as follows.

26. Safety Order 1, Item 1 is upheld as a "Serious" violation of I.C. 22-8-1.1-2 as originally cited, but the penalty is reduced to One Thousand Dollars (\$1,000).

27. Safety Order 1, Item 2 is re-classified as a "Non-Serious" violation of I.C. 22-8-1.1-2 as originally cited and the penalty is reduced to One Thousand Two Hundred Fifty Dollars (\$1,250).

28. Safety Order 1, Item 3 is upheld as a "Serious" violation of 29 CFR 1910.23(c)(1), but the penalty is reduced to One Thousand Seven Hundred Fifty Dollars (\$1,750).

29. Safety Order 1, Item 4 is upheld as a "Serious" violation of 29 CFR 1910.95(b)(1), but the penalty is reduced to Two Thousand Five Hundred Dollars (\$2,500).

30. Safety Order 1, Item 5 is deleted in its entirety.

31. Safety Order 1, Item 6 is deleted in its entirety.

32. Safety Order 1, Item 7 is re-classified as a "Non-Serious" violation of 29 CFR 1910.107(b)(5)(i), but the penalty remains Three Thousand Five Hundred Dollars (\$3,500).

33. Safety Order 1, Item 8 is deleted in its entirety.

34. Safety Order 1, Item 9 is re-classified as a "De Minimis" violation of 29 CFR 1910.107(e)(2) and the penalty is reduced to Zero Dollars (\$0).

35. Safety Order 1, Item 10 is re-classified as a "De Minimis" violation of 29 CFR 1910.107(g)(2) and the penalty is reduced to Zero Dollars (\$0).

36. Safety Order 1, Item 11 is re-classified as a "Non-Serious" violation of 29 CFR

1910.107(g)(3) and the penalty is reduced to One Thousand Dollars (\$1,000).

37. Safety Order 1, Item 12 is deleted in its entirety.

38. Safety Order 1, Item 13 is deleted in its entirety, but must be properly abated.

39. Safety Order 1, Item 14 is upheld as a "Serious" violation of 29 CFR

1910.212(a)(3)(ii), but the penalty is reduced to One Thousand Sixty-Two and 50/100 Dollars (\$1,062.50).

40. Safety Order 1, Item 15 is re-classified as a "De Minimis" violation of 29 CFR

1910.217(e)(1)(i) and the penalty is reduced to Zero Dollars (\$0).

41. Safety Order 1, Item 16 is deleted in its entirety.

42. Safety Order 1, Item 17a is upheld as a "Serious" violation of 29 CFR

1910.305(g)(1)(iv)(A) and retains a penalty of Two Thousand Five Hundred Dollars (\$2,500). In addition, the AVD for Item 17b will be added as instance "c" and the AVDs for Item 17c will be added as instances "d" and "e" respectively.

43. Safety Order 1, Item 17b is deleted in its entirety.

44. Safety Order 1, Item 17c is deleted in its entirety.

45. The AGREED total penalty for all violations and all subparts thereunder, subject to this Agreed Entry, is Fourteen Thousand Five Hundred Sixty-Two and 50/100 Dollars (\$14,562.50).

46. 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").

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

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

PART IV.

49. Nothing contained in this Agreed Entry shall be construed to affect Complainant's interpretation of the Act or any standard or regulation enforced pursuant thereto or the applicable classification thereof.

50. Neither this Agreed Entry nor Respondent's consent to entry of a final Order by the Indiana Board of Safety Review pursuant to this Agreed Entry constitutes any admission by Respondent of violation of the Indiana Occupational Safety and Health Act or regulations or standards promulgated or adopted there under. Neither this Agreed Entry nor an Order of the Board of Safety Review entered pursuant to this Agreed Entry is intended to be or shall be deemed an admission or deemed admissible in any proceeding or litigation, whether civil or criminal, except for proceedings and matters brought by the United States Government or the State of Indiana. Respondent is entering into said Agreed Entry without any prejudice to its rights to raise any defense or argument in any future or pending cases before this Board of Safety Review. Respondent retains the right to assert in any subsequent action or proceeding that any future existing conditions identical or similar to those alleged in the citation or the complaint do not violate the Indiana Occupational Safety and Health Act or any standard promulgated or adopted there under. By entering into this Agreed Entry, Respondent does not admit the truth of any alleged facts, any of the characterizations of Respondent's alleged conduct or any of the conclusions set forth in the citation issued in this matter.

51. 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.

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

AGREED this 20th day of ^{November} ~~October~~, 2017.

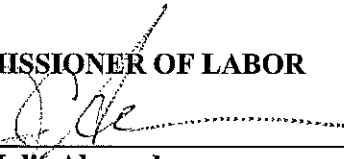
WABASH NATIONAL CORP.

By: 

Printed: Andrew J Frisbie


Title: Director of Corporate EHS

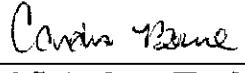
COMMISSIONER OF LABOR

By: 

**Julie Alexander,
Director of General Industry,
IOSHA**

Approved as to Form:

By: 
Ellen D. Gregory,
Counsel for Respondent

By: 
For J. Anthony Hardman,
Counsel for Complainant

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)233-8509



Certified mail # 91 7190 0005 2720 0036 0660 6-11-14 jtd

Safety Order and Notification of Penalty

To:
Wabash National Corporation
P.O. Box 6129
Lafayette, IN 47903

Inspection Number: 317397271
CSHO ID: V2442
Optional Report No.: 0011-14
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014

Inspection Site:
1000 Sagamore Parkway South
Lafayette, IN 47903

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 6/11/2014. 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: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

Safety Order 01 Item 001

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 crushing hazards from potential collapse of damaged industrial steel storage racks:

Warehouse - Employees placed boxes, parts, and products up to 1,500 pounds on damaged industrial steel storage racks on a regular and routine basis. Racks had damage such as, but not limited to, bent and dented uprights, horizontal cross members, and diagonal cross members.

AMONG OTHER METHODS, FEASIBLE MEANS OF ABATEMENT MAY INCLUDE: Unload and repair damaged storage rack components per Section 1.4.9 of ANSI MH16.1:2012 Specification for the Design, Testing and Utilization of Industrial Steel Storage Racks.

Date By Which Violation Must Be Abated: 7/15/2014
Proposed Penalty: \$2,000.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

Safety Order 01 Item 002 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 potential amputation hazards due to the means for selecting a mode of operation (selector switch key) not being supervised on hydraulic presses:

Metal Fab - Employees operated hydraulic press brakes such as, but not limited to, Pacific K500-14 (S/N 9485) on a regular and routine basis with the mode selector switch key left in the machine.

AMONG OTHER METHODS, FEASIBLE MEANS OF ABATEMENT MAY INCLUDE: The operator or supervisor maintains control of the mode selector switch key while the press is running per Section 6.11.1 of ANSI B11.3-2002 Safety Requirements for Power Press Brakes.

Date By Which Violation Must Be Abated: 7/15/2014
Proposed Penalty: \$2,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation.
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

Safety Order 01 Item 003

Type of Violation: **Serious**

29 CFR 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent) and toeboards: Note: Toeboards are only required when persons can pass, there is moving equipment or there is equipment with which falling materials could create a hazard.

- a) Line 2 - Up to and including 18 employees stood on platforms such as, but not limited to, the Line 2 Pre-finish platform that was 10' 5" tall, on a regular and routine basis, without standard railings when waiting for the next trailer to roll down the line. The top rail of the railing provided was only 22" tall. Employees were not provided with fall protection.
- b) Line 2 - Up to and including 12 employees stood on platforms such as, but not limited to, the Line 2 Decal platform that was 7' 2 1/2" tall, on a regular and routine basis, without standard railings when waiting for the next trailer to roll down the line. Employees were not provided with fall protection.
- c) Line 2 - Up to and including 6 employees stood on platforms such as, but not limited to, the Line 2 Nose Install platform that was 7' 9 1/2" tall, on a regular and routine basis, without standard railings when installing the trailer nose. Employees were not provided with fall protection.

Date By Which Violation Must Be Abated: 7/15/2014
Proposed Penalty: \$3,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

Safety Order 01 Item 004

Type of Violation: **Serious**

29 CFR 1910.95(b)(1): When employees were subjected to sound exceeding those listed in Table G-16, feasible administrative or engineering controls were not utilized:

Facility - On February 7, 2014, employees manufacturing trailers in production areas such as, but not limited to, Plant 1 were exposed to noise levels greater than 100 dBA for up to 8 hours daily.

In the production area, an employee was exposed to continuous noise dose levels at 1129.2% of the allowable 8-hour time-weighted average sound level (90 dBA). The equivalent dBA dose level of 1129.2% is approximately 107.54 dBA (105.54 dBA for Type II instrumentation error). The sampling was performed for 452 minutes during one shift on February 7, 2014. Zero exposure was assumed for the unsampled period of time of 28 minutes.

In the production area, an employee was exposed to continuous noise dose levels at 621.6% of the allowable 8-hour time-weighted average sound level (90 dBA). The equivalent dBA dose level of 621.6% is approximately 103.41 dBA (101.41 dBA for Type II instrumentation error). The sampling was performed for 469 minutes during one shift on February 7, 2014. Zero exposure was assumed for the unsampled period of time of 11 minutes.

In the production area, an employee was exposed to continuous noise dose levels of 1187.5% of the allowable 8-hour time-weighted average sound level (90 dBA). The equivalent dBA dose level of 1187.5% is approximately 107.89 dBA (105.89 dBA for Type II instrumentation error). The sampling was performed for 452 minutes during one shift on February 7, 2014. Zero exposure was assumed for the unsampled period of time of 28 minutes.

In the production area, an employee was exposed to continuous noise dose levels of 625.4% of the allowable 8-hour time-weighted average sound level (90 dBA). The equivalent dBA dose level of 625.4% is approximately 103.46 dBA (101.46 dBA for Type II instrumentation error). The sampling was performed for 466 minutes during one shift on February 7, 2014. Zero exposure was assumed for the unsampled period of time of 14 minutes.

AMONG OTHER METHODS, FEASIBLE MEANS OF ABATEMENT MAY INCLUDE: Add temporary sound-absorbing materials to trailer walls to reduce noise levels throughout the production area; change employee work schedules to reduce noise exposure; provide employees with custom-fit ear plugs.

Date By Which Violation Must Be Abated:	7/15/2014
Proposed Penalty:	\$5,000.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

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

29 CFR 1910.106(e)(2)(ii)[b][2]: The quantity of liquid that may be located outside of an inside storage room or storage cabinet in a building or in any one fire area of a building shall not exceed : 120 gallons of Category 2, 3, or 4 flammable liquids in containers:

Paint barn - Category 2, 3, and 4 flammable liquids such as, but not limited to, approximately 18-gallons of waste paint, 18-gallons of liquid waste solvents, 30-gallons of aerosol can discharge waste, and 55-gallons of acetone as well as various amounts of xylene, isopropyl alcohol, and denatured alcohol were stored and dispensed in the same fire area of a building outside of flammable storage cabinets.

Date By Which Violation Must Be Abated: 7/15/2014
Proposed Penalty: \$2,000.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

Safety Order 01 Item 006 Type of Violation: **Serious**

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

- a) Coupler spray booths A, B, and C - Employees sprayed couplers with Category 2 flammable liquids such as, but not limited to, ZPG-9035 Orange and ZPG-1017F Low VOC for up to eight hours daily inside a spray booth containing a corrugated metal garage door.
- b) East Line - Employees sprayed bogies with Category 2 flammable liquids such as, but not limited to, Z Guard 10,000 Black Undercoating for up to eight hours daily inside a spray booth with three holes ranging from 1 ½ inches to 6 inches on the side walls.
- c) Alpha Line - Employees sprayed landing gear and slide rails using flammable liquids such as, but not limited to, ZPG-9035 Orange, ZPG-1017F Low VOC, and Z Guard 10,000 Black Undercoating for up to eight hours daily inside a spray booth containing a corrugated metal garage door.
- d) Facility - Dry type overspray spray booths such as, but not limited to, the East Line, Dedicated Line, Coupler Line A, Coupler Lines B&C, Alpha Line, Line 1, and Line 2 spray booths used on a regular and routine basis to spray Category 2 flammable liquids such as, but not limited to, ZPG-9035 Orange, ZPG-1017F Low VOC, and Z Guard 10,000 Black Undercoating onto various parts had a container of xylene mounted to the inside wall of the spray booth.

Date By Which Violation Must Be Abated: **7/15/2014**
Proposed Penalty: **\$3,500.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
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Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

Safety Order 01 Item 007

Type of Violation: **Serious**

29 CFR 1910.107(b)(5)(i): The spraying operations except electrostatic spraying operations were not designed, installed and maintained so that the average air velocity over the open face of the booth (or booth cross section during spraying operations) is not less than 100 linear feet per minute. Electrostatic spraying operations were not conducted with an air velocity over the open face of the booth of more than 60 linear feet per minute depending on the volume of the finishing material being applied and its flammability and explosion characteristics. Visible gauges or audible alarm or pressure activated devices were not installed to indicate or insure that the required air velocity is maintained. Filter rolls were not inspected to insure proper replacement of filter media:

- a) Dedicated Line spray booth - On January 14, 2014, and at times prior to, the average air velocity over the open face of spray booths such as, but not limited to, the Dedicated Line spray booth with overspray dry filters or filter rolls was 60.56 linear feet per minute when measured with a Veloci Check model 8330 (S/N 225-03415) velometer.
- b) Coupler A spray booth - On January 14, 2014, and at times prior to, the average air velocity over the open face of spray booths such as, but not limited to, the Coupler A spray booth with overspray dry filters or filter rolls was 59.17 linear feet per minute when measured with a Veloci Check model 8330 (S/N 225-03415) velometer.
- c) Coupler B&C spray booth - On January 14, 2014, and at times prior to, the average air velocity over the open face of spray booths such as, but not limited to, the Coupler B&C spray booth with overspray dry filters or filter rolls was 51.05 linear feet per minute when measured with a Veloci Check model 8330 (S/N 225-03415) velometer.
- d) Alpha Line spray booth - On January 15, 2014, and at times prior to, the average air velocity over the open face of spray booths such as, but not limited to, the Alpha Line spray booth with overspray dry filters or filter rolls was 37.25 linear feet per minute when measured with a Veloci Check model 8330 (S/N 225-03415) velometer.
- e) Line 2 spray booth - On January 15, 2014, and at times prior to, the average air velocity over the open face of spray booths such as, but not limited to, the Line 2 spray booth with overspray dry filters or filter rolls was 87.33 linear feet per minute when measured with a Veloci Check model 8330 (S/N 225-03415) velometer.

f) Facility - Water gauges were installed, but not used to ensure the required air velocity was maintained in dry type overspray collector spray booths such as, but not limited to, the Dedicated Line, Road Railer Line, Coupler Line A, Coupler Line B, Coupler Line C, Alpha Line, Line 1, and Line 2 spray booths.

Date By Which Violation Must Be Abated:

7/15/2014

Proposed Penalty:

\$3,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

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

29 CFR 1910.107(c)(7): Electric lamps outside of but within 20 feet of spraying area(s), and not separated therefrom by partition(s), were not totally enclosed to prevent the falling of hot particles:

Line 2 spray booth - Employees used an electric halogen lamp located within 20 feet of the spray booth on a regular and routine basis to light the inside of trailers.

Date By Which Violation Must Be Abated: 7/15/2014
Proposed Penalty: \$3,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

Safety Order 01 Item 009 **Type of Violation: Serious**

29 CFR 1910.107(e)(2): The quantity of flammable liquids or liquids with a flashpoint greater than 199.4 °F (93 °C) kept in the vicinity of spraying operations shall be the minimum required for operations and should ordinarily not exceed a supply for 1 day or one shift. Bulk storage of portable containers of flammable liquids or liquids with a flashpoint greater than 199.4 °F (93 °C) shall be in a separate, constructed building detached from other important buildings or cut off in a standard manner:

Facility - Spray booths such as, but not limited to, the East Line, Dedicated Line, Coupler Line A, Coupler Lines B&C, Alpha Line, Line 1, and Line 2 spray booths used on a regular and routine basis to spray Category 2 flammable liquids such as, but not limited to, ZPG-9035 Orange, ZPG-1017F Low VOC, and Z Guard 10,000 Black Undercoating had more than one day's supply of flammable liquids kept next to the spray booth.

Date By Which Violation Must Be Abated: **7/15/2014**
Proposed Penalty: **\$3,500.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

Safety Order 01 Item 010 Type of Violation: **Serious**

29 CFR 1910.107(g)(2): All spraying areas were not kept as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary:

- a) East Line - Spray booths with dry type overspray collectors and filter rolls such as, but not limited to, the East Line spray booth had an accumulation of overspray from combustible products such as, but not limited to Z-Guard 10,000 Black Undercoating on surfaces to include the walls, ceiling, and floors.
- b) Dedicated Line - Spray booths with dry type overspray collectors and filter rolls such as, but not limited to, the Dedicated Line spray booth had an accumulation of overspray from combustible products such as, but not limited to Z-Guard 10,000 Black Undercoating on surfaces to include the walls, ceiling, and floors.
- c) Alpha Line - Spray booths with dry type overspray collectors and filter rolls such as, but not limited to, the Alpha Line spray booth had an accumulation of overspray from combustible products such as, but not limited to ZPG-1017F Low VOC paint, Z-Guard 10,000 Black Undercoating, and ZPG-9035 Orange rust proofing on surfaces to include the walls, ceiling, and floors.

Date By Which Violation Must Be Abated: 7/15/2014
Proposed Penalty: \$3,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

Safety Order 01 Item 011 **Type of Violation: Serious**

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

Facility - Up to and including 55-gallon metal drums containing floor scrapings, booth coating, rags, floor paper, and other various materials contaminated with spray finishing residue from Category 2 flammable liquids such as, but not limited to, ZPG-9035 Orange, ZPG-1017F Low VOC, and Z Guard 10,000 Black Undercoating were not removed from the spraying area at least once daily.

Date By Which Violation Must Be Abated: **7/15/2014**
Proposed Penalty: **\$2,000.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

Safety Order 01 Item 012 **Type of Violation: Serious**

29 CFR 1910.107(l)(4)(i): All areas were not kept free of the accumulation of powder coating dust:

Powder coating room - Powder coating dust from products such as, but not limited to, Envirocron Powder accumulated on horizontal surfaces outside of the spray booth.

Date By Which Violation Must Be Abated: 7/15/2014
Proposed Penalty: \$2,000.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

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

29 CFR 1910.178(c)(2)(iii): Only approved power-operated industrial trucks designated as EX were not used in atmospheres containing any of the chemicals referenced in this section in quantities sufficient to produce explosive or ignitable mixtures, or where such concentrations of gases or vapors exist continuously, intermittently, or periodically under normal operating conditions, or may exist frequently because of repair, maintenance operations, leakage, breakdown or faulty operation of equipment:

Paint barn - Employees used liquified petroleum gas forklifts such as, but not limited to, the Toyota model 8FGU30 (S/N 35437) forklift where flammable liquids such as, but not limited to: acetone, xylene, isopropyl alcohol, and denatured alcohol are dispersed from 55-gallon drums into 5-gallon safety cans for distribution on the shop floor.

Date By Which Violation Must Be Abated: 7/15/2014
Proposed Penalty: \$2,000.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

Safety Order 01 Item 014

Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

a) Alpha Line— The automated Assembly Technology & Test punch press (S/N 19282) did not have a side safety guard, leaving a 12-inch wide opening and exposing employees to point of operation hazards on a regular and routine basis.

b) Plant 1 - Employees bypassed the rear chain guard on the 600-ton Cincinnati Model 21 Series mechanical punch press (S/N 19233) on a regular and routine basis to obtain parts.

Date By Which Violation Must Be Abated: 7/15/2014
Proposed Penalty: \$2,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

Safety Order 01 Item 015 **Type of Violation: Serious**

29 CFR 1910.217(e)(1)(i): A program of periodic and regular inspections of mechanical power press(es) was not established and followed to ensure that all parts, auxiliary equipment and safeguards were in a safe operating condition and adjustment:

Metal Fab - Employees operated mechanical power presses such as, but not limited to, Danly 110-ton OBI power press (S/N 11053730265) and Danly 200-ton OBI power press (S/N 20053740365) up to eight hours daily without safety blocks attached to the interlock devices.

Date By Which Violation Must Be Abated: 7/15/2014
Proposed Penalty: \$2,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

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

29 CFR 1910.242(a): Hand and portable powered tools or equipment were not kept in safe condition:

Alpha Line – Employees used a portable electric band saw such as, but not limited to, Milwaukee Deep Cut band saw (S/N D51AD1242094B) with unguarded moving parts and in-going nip points on a regular and routine basis to cut rails. The portion of the blade not used during cutting was left unguarded.

Date By Which Violation Must Be Abated: **7/15/2014**
Proposed Penalty: **\$2,500.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

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 017a Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

- a) Plant 1 – Employees used an extension cord instead of fixed wiring to power an electric circular saw such as, but not limited to, DeWalt circular saw (asset #5436/8585) on a regular and routine basis in order to cut wood on trailers.
- b) Plant 1 – A flexible cord was used as fixed wiring by being wired directly into a 120V outlet receptacle, looped over a doorway used by employees to enter and exit the plant on a regular and routine basis and then fed into an underground PVC conduit to power miscellaneous electrical equipment.

Date By Which Violation Must Be Abated: **7/15/2014**
Proposed Penalty: **\$2,500.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

Safety Order 01 Item 017b

Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(B): Flexible cords and/or cables were run through holes in walls, ceilings, or floors:

Plant 2 – A frayed 120V flexible cord powering a four-outlet receptacle used daily by employees to charge 2-way radios was run through a hole in a metal storage cabinet to another 120V outlet receptacle.

Date By Which Violation Must Be Abated: 7/15/2014
Proposed Penalty: \$0.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317397271
Inspection Date(s): 12/11/2013 - 6/3/2014
Issuance Date: 6/11/2014
CSHO ID: V2442
Optional Report No.: 0011-14

Safety Order and Notification of Penalty

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903

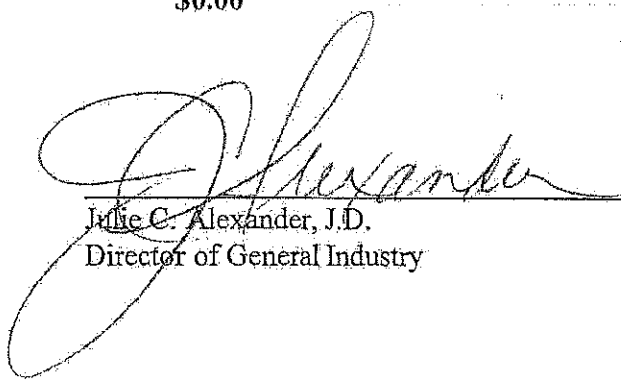
Safety Order 01 Item 017c **Type of Violation: Serious**

29 CFR 1910.305(g)(2)(iii): Flexible cords were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws:

a) Plant 2 – A frayed 120V flexible cord powering a four-outlet receptacle used daily by employees to charge 2-way radios was run through a hole in a metal storage cabinet to another 120V outlet receptacle.

b) Metal Fab – The 120V flexible cord on the Triad Super Light VI model #TR-24-2F-AU (S/N 0319908) light curtain used daily by employees operating the Pacific K500-14 (S/N 9485) hydraulic press brake was not provided with adequate strain relief.

Date By Which Violation Must Be Abated: 7/15/2014
Proposed Penalty: \$0.00


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)233-8509



INVOICE/DEBT COLLECTION NOTICE

Company Name: Wabash National Corporation
Inspection Site: 1000 Sagamore Parkway South, Lafayette, IN 47903
Issuance Date: 6/11/2014

Summary of Penalties for Inspection Number: 317397271

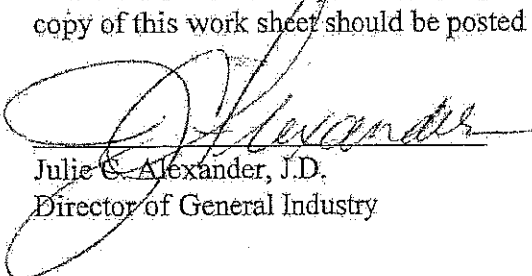
Safety Order 1, Serious	= \$48,500.00
TOTAL PENALTIES	= \$48,500.00

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

6/11/14
Date