

Indiana Department of Labor

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



Safety Order and Notification of Penalty

To:
Allegheny Coatings
and its successors
302 McSwain Dr
Fremont, IN 46737

Inspection Number: 1698442
CSHO ID: K1084
Optional Report No.: 23-18
Inspection Date(s): 09/20/2023 - 10/26/2023
Issuance Date: 12/20/2023

Inspection Site:
302 McSwain Dr
Fremont, IN 46737

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 workplace 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 results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

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

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

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

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

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

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

PMA's - 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

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NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the Safety Order(s) issued on 12/20/2023.

The Informal Conference will be held:

Date: _____

Time: _____

_____ **Virtually/Telephonically via Microsoft Teams**

Call-in Number: _____

Conference ID: _____

_____ **In-person at the Indiana Department of Labor, located at the following address:**

402 West Washington Street, Room W195
Indianapolis, Indiana 46204

Meeting/Conference Room: _____

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: 1698442
CSHO ID: K1084
Optional Report No.: 23-18
Inspection Date(s): 09/20/2023 - 10/26/2023
Issuance Date: 12/20/2023



Safety Order and Notification of Penalty

Company Name: Allegheny Coatings
Inspection Site: 302 McSwain Dr, Fremont, IN 46737

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

29 CFR 1910.146(c)(4): When the employer decided that its employees would enter permit spaces, the employer did not develop and implement a written permit space entry program that complied with 29 CFR 1910.146:

Spray Line 6 - Employees were exposed to asphyxiation and second and third-degree burns while they worked inside the oven, a permit-required confined space, to retrieve parts so the line would operate again. The employer's written confined space entry program had not been fully implemented and employees were entering the permit-required confined space without an entry permit, air monitoring, or lockout being completed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 05, 2024
Proposed Penalty:	\$5,600.00

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Occupational Safety and Health Administration

Inspection Number: 1698442
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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 1 Item 2 a Type of Violation: **Serious**

29 CFR 1910.146(d)(2): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not identify and evaluate the hazards of permit spaces before employees entered:

Spray Line 6 Oven - Employees were exposed to asphyxiation and second and third-degree burns while they worked inside the oven, which was a permit-required confined space, to retrieve parts so the line would operate again. The employer had permitted entry into the ovens as a non-permit space.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 05, 2024
Proposed Penalty:	\$5,600.00

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Company Name: Allegheny Coatings
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Safety Order 1 Item 2 b Type of Violation: **Serious**

29 CFR 1910.146(d)(3): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations:

Spray Line 6 - Employees were exposed to asphyxiation and second and third-degree burns while they worked inside the oven, which was a permit-required confined space, to retrieve parts so the line would operate again. The permit-required confined space program was not effective in ensuring safe entry by specifying acceptable entry conditions; isolating the permit space; eliminating/controlling atmospheric hazards; and verifying that conditions in the permit space are acceptable for entry throughout the duration of an authorized entry.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 05, 2024
Proposed Penalty:	\$0.00

Indiana Department of Labor
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Safety Order and Notification of Penalty

Company Name: Allegheny Coatings
Inspection Site: 302 McSwain Dr, Fremont, IN 46737

Safety Order 1 Item 2 c Type of Violation: **Serious**

29 CFR 1910.146(d)(5)(i): The employer did not test conditions in the permit space to determine if acceptable entry conditions existed before entry was authorized:

Spray Line 6 - Employees were exposed to asphyxiation and second and third-degree burns while they worked inside the oven, which was a permit-required confined space, to retrieve parts so the line would operate again. No air monitoring was conducted to ensure adequate oxygen and the absence of natural gas inside the space prior to entry.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 05, 2024
Proposed Penalty:	\$0.00

Indiana Department of Labor
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Safety Order 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.146(d)(4): The employer did not provide the equipment specified in paragraphs (d)(4)(i)-(d)(4)(ix) of this section at no cost to employees, did not maintain that equipment properly, and/or did not ensure that employees use that equipment properly:

Spray Line 6 - Employees were exposed to asphyxiation and second and third-degree burns while they worked inside the oven, which was a permit-required confined space, to retrieve parts so the line would operate again. Air monitoring equipment was not supplied to ensure safe entry conditions before entry.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

February 05, 2024
\$5,600.00

Indiana Department of Labor
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Company Name: Allegheny Coatings
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Safety Order 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.146(d)(6): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not provide at least one attendant outside the permit space into which entry was authorized for the duration of entry operations:

Spray Line 6 - Employees were exposed to asphyxiation and second and third-degree burns while they worked inside the oven, which was a permit-required confined space, to retrieve parts so the line would operate again. No attendant was on the outside of the oven monitoring entry activities.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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Proposed Penalty:	\$5,600.00

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Safety Order and Notification of Penalty

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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 1 Item 5 a Type of Violation: **Serious**

29 CFR 1910.146(d)(9): The employer did not develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and/or for preventing unauthorized entry:

Spray Line 6 - Employees were exposed to asphyxiation and second and third-degree burns while they worked inside the oven, a permit-required confined space, to retrieve parts so the line would operate again. The local fire department was not notified of entry into the spray line 6 oven and was not present at all times during the entry.

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

29 CFR 1910.146(k)(1)(iii)(A): Rescue team selected did not have the capability to reach the victim(s) within the time frame that was appropriate for the permit space hazard(s) identified:

Spray Line 6 - Employees were exposed to asphyxiation and second and third-degree burns while they worked inside the oven, a permit-required confined space, to retrieve parts so the line would operate again. The local volunteer fire department was identified as the rescue services that would be used.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

29 CFR 1910.146(e)(1): Before entry was authorized, the employer did not document the completion of measures required by 29 CFR 1910.146(d)(3) by preparing an entry permit:

Spray Line 6 - Employees were exposed to asphyxiation and second and third-degree burns while they worked inside the oven, which was a permit-required confined space, to retrieve parts so the line would operate again when the conditions inside the oven were not documented to ensure safe entry.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 05, 2024
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Safety Order 1 Item 7 Type of Violation: **Serious**

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

Spray Line 6 Oven - Employees were exposed to asphyxiation and second and third-degree burns while they worked inside the oven, which was a permit-required confined space, to retrieve parts so the line would operate again. The employees were not trained on the temperature or oxygen levels needed inside the oven to perform safe entry.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 05, 2024
Proposed Penalty:	\$5,600.00

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

29 CFR 1910.147(c)(4)(ii)(B): The energy control procedures did not clearly and specifically outline the steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy:

Spray Line 6 Oven - Employees were exposed to asphyxiation and second and third-degree burns while they worked inside of the oven, which was a permit-required confined space, to retrieve parts so the line would operate again, when the energy control procedure for Spray Line 6 did not specifically outline the steps for isolating the natural gas to the ovens.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

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

Spray Line 6 Oven - Employees were exposed to asphyxiation and second and third degree burns and caught in hazards while they worked inside of the oven, a permit-required confined space, to retrieve parts so the line would operate again. The energy control application steps to perform the servicing were not implemented per 1910.147(d) requirements. As a result, the following applicable energy control elements were not followed to include:

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

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

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

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

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 05, 2024
Proposed Penalty:	\$5,600.00


Jameson Berry
IOSHA Director



INVOICE/DEBT COLLECTION NOTICE

Company Name: Allegheny Coatings
Inspection Site: 302 McSwain Dr, Fremont, IN 46737
Issuance Date: 12/20/2023

Summary of Penalties for Inspection Number: 1698442

Safety Order 1 Item 1, Serious	\$5,600.00
Safety Order 1 Item 2a, Serious	\$5,600.00
Safety Order 1 Item 2b, Serious	\$0.00
Safety Order 1 Item 2c, Serious	\$0.00
Safety Order 1 Item 3, Serious	\$5,600.00
Safety Order 1 Item 4, Serious	\$5,600.00
Safety Order 1 Item 5a, Serious	\$5,600.00
Safety Order 1 Item 5b, Serious	\$0.00
Safety Order 1 Item 6, Serious	\$5,600.00
Safety Order 1 Item 7, Serious	\$5,600.00
Safety Order 1 Item 8, Serious	\$5,600.00
Safety Order 1 Item 9, Serious	\$5,600.00

TOTAL PROPOSED PENALTIES: \$50,400.00

Penalties are due within fifteen (15) working days of receipt of this notification unless requested. Make your check or money order payable to: "Indiana DOL/IOSHA." Please indicate IOSHA's Inspection Number (indicated above) on the remittance. You may also make a payment online at <https://payingov.com/dol/>. Your account number is your inspection number.

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 worksheet has been provided to assist in providing the required abatement information. A completed copy of this worksheet should be posted at the worksite with safety orders.



Jameson Berry
IOSHA Director

12/20/2023

Date