

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



Notice of Failure to Correct Violation

To:
Selected Furniture, LLC
and its successors
1001 West Culver Road
Knox, IN 46534

Original Inspection Number: 318011293
Original Inspection Date(s): 1/25/2016 - 4/22/2016
Inspection Number: 318131471
Inspection Date(s): 06/02/2021 - 10/13/2021
Issuance Date: 12/13/2021

Inspection Site:
1001 West Culver Road
Knox, IN 46534

The violations described in this Notice of Failure to Correct Violations are alleged to have occurred on or about the days the inspection was made unless

After the original inspection, a Safety Order and Notification of Penalty was issued to you in accordance with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code § 22-8-1.1) or the standards or rules adopted thereunder (the Act), notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon re-inspection, it is alleged that you have failed to abate the violations listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty for each violation cited is computed by multiplying a daily penalty times the number of days the violations remained unabated. You are to notify the Director in writing of the date and nature of the corrective action taken. If you do not abate the violations or pay the penalties, further penalties may be proposed and other enforcement action to compel abatement may be taken under Indiana Code § 22-8-1.1.

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 (Notice of Failure to Correction Violation, 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 (15) 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 shall be made promptly upon your receipt of the Notice of Failure to Correct Violation.

Right to Contest - You are hereby also notified that you are entitled to seek administrative review of the Notice of Failure to Correct Violation and penalties, or both by filing a written petition for review at the above address **postmarked within fifteen (15) working days** of your receipt of the Notice of Failure to

Correct Violation. "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 (Petition), the Notice of Failure to Correct Violation and penalties shall be deemed Final Orders and are not subject to review by any court or agency.** The issuance of a Notice of Failure to Correct Violation does not constitute a finding that a violation has occurred unless no Petition is filed, or if a Petition is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of a Petition, IOSHA will affirm, amend, or dismiss the Notice of Failure to Correct Violation and penalties. If IOSHA affirms, the Petition will be granted (unless it was not timely) and the dispute will be certified to the Indiana Board of Safety Review for further proceedings. The Indiana 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 issued decisions concerning disputed Notice of Failure to Correct Violation. If IOSHA amends the Notice of Failure to Correct Violation or penalties, the Petition shall be deemed moot. However, the employer will then be given an opportunity to file a Petition concerning the amended Notice of Failure to Correct Violation and penalties.

Posting - Upon receipt of any Notice of Failure to Correct Violation, you are required to post such Notice of Failure to Correct Violation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the Notice of Failure to Correct Violation occurred. However, if your operations are such that it is not practicable to post the Notice of Failure to Correct Violation at or near each place of alleged violation, such Notice of Failure to Correct Violation 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 Notice of Failure to Correct Violation may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the Notice of Failure to Correct Violation is not altered, defaced, or covered by other material. Posting shall be until the violations are 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.

Checks or money orders must be payable to "Indiana DOL/IOSHA." Please indicate IOSHA's Inspection Number of the remittance.

Abatement - The conditions cited in the Notice of Failure to Correct Violation must be corrected (abated) immediately and proof of abatement must be sent by email to AbatementGI@dol.in.gov unless:

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

(2) The abatement period is extended by IOSHA by the granting of a written Petition for Modification of Abatement Date (see section for **Petition for Modification of Abatement Date** below).

Notification of Corrective Action - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to IOSHA. The certification **must** be sent by you within **10 calendar days** of receiving the Notice of Failure to Correct Violation. For **Knowing** and **Repeat** violations, documents (examples: photos, copies of recipes, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the Notice of Failure to Correct

Violation is classified as Serious and the Notice of Failure to Correct Violation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate.

For each Notice of Failure to Correct Violation where you contest the abatement of the hazards cited, your obligation to submit abatement certification and any documents is delayed until the contest and the ten-day (10 day) period after the abatement date have expired. See 29 CFR 1903.19 and the IOSHA Closing Conference Guide for more information.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the Notice of Failure to Correct Violation and Notice of Failure to Correct Violation item numbers to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to IOSHA, also be posted at the location where the violation appeared, and the corrective action took place.

Petition for Modification of Abatement Date - The Petition for Modification of Abatement Date (PMA) 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 Notice of Failure to Correct Violation, 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 PMA shall be in writing, submitted by email to AbatementGI@dol.in.gov, and shall include the following information:

(1) All steps you have taken, and the dates of such actions, to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary 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 PMA 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 PMA shall be filed in writing 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 PMA shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such PMA shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The PMA shall remain posted until the time for filing 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 PMA.

Follow-up Inspections - Please be advised that a follow-up inspection may be made for the purpose of ascertaining that you have posted the Notice of Failure to Correct Violation 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 an employer from discriminating against an employee for filing a complaint for exercising any rights under the Indiana Occupational Safety and Health Act (Indiana Code § 22-8-1.1). An employee who believes that he or 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.

Indiana Department of Labor

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An Informal Conference has been scheduled with IOSHA to discuss the Notice of Failure to Correct Violation issued on _____.

The Informal Conference will be held:

_____ 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

Indiana Occupational Safety and Health Administration

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		CSHO ID:	I7062
		Optional Report No.:	2330-21

Company Name: Selected Furniture, LLC

Inspection Site: 1001 West Culver Road, Knox, IN 46534

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

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 fire, explosion, and deflagration hazards:

a) Sanding and Mill departments - A Fuller dust collection system was used to collect the wood dust, a Class II Group G combustible dust, and other fugitive dust emissions generated at equipment such as, but not limited to, the DMC wide belt sander and Chinese sander. The dust collector was located outside the facility. The wood dust was allowed to settle on the floor and other surfaces as the dust collection system was allowing dust to escape.

Among other methods, one feasible and acceptable method to correct this hazard is to install a local exhaust ventilation system that will exhaust and transport the wood dust to a dust collector(s) that is protected in accordance with Section 8.2.2.5.3 of the National Fire Protection Agency's (NFPA) "Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities (NFPA-664-2013). Section 8.2.2.5.3 of NFPA 664-2013 states that dust collectors with a deflagration hazard must be designed and constructed in accordance with one of the following options:

1. Constructed of welded steel or other non-combustible material of sufficient strength to withstand the maximum reduced deflagration pressure of the material being collected

2. Protected by a listed deflagration suppression system with a design strength exceeding the maximum reduced deflagration pressure of the material being collected
3. Equipped with adequate deflagration relief vents with a design strength exceeding the maximum deflagration pressure of the material being collected

FAILURE TO CORRECT

a) On September 29, 2021, a follow-up inspection determined wood dust, a Class II Group G combustible dust was allowed to settle on the floor and other surfaces as the dust collection system is allowing dust to escape. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to maintain levels of combustible dust as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

b) Sanding and Milling departments - All sources of ignition were not effectively controlled. Specifically, flexible hosing was being used between the overhead metal exhaust ducting and the woodworking machinery such as, but not limited to, the Chinese sander. The flexible hosing was not static resistant, and the wood dust was Class II Group G combustible dust. Static could build up and act as a source of ignition for this combustible dust.

Among other methods, one feasible and acceptable method to correct this hazard is to use static resistant flexible hosing. Section 7.9 of NFPA's "Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities (NFPA 664-2013) states air hoses and other dust-removal equipment shall be conductive to prevent static electric charge generation by air flow; or where equipment is subject to the accumulation of static electric charge, the accumulation of static electric charge shall be controlled by one of the following:

1. Permanent grounding and bonding of the production equipment
2. Grounded metal combs to provide discharge paths
3. Other means shown to be effective and acceptable to the authority having jurisdiction

FAILURE TO CORRECT

b) On September 29, 2021, a follow-up inspection determined wood dust, a Class II Group G combustible dust was present in areas with ignition sources. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to control ignition sources as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

c) Sanding and Milling departments - Employees used compressed air rated at approximately 105 psi to clean wood dust, a Class II Group G combustible dust, off of machinery and/or surfaces located throughout the sanding and milling departments. The use of compressed air for cleaning and/or removing wood dust could cause significant amounts of combustible dust to be suspended in the air, which could potentially lead to deflagrations (explosions) and/or fires.

Among other methods, one feasible and acceptable method to correct this hazard is to develop and implement a written procedure for using compressed air to clean wood dust off of machinery and/or surfaces. This procedure should follow Section 11.2.1.1 of NFPA's "Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities (NFPA 664-2013) which states that blowing down with steam or compressed air or even vigorous sweeping are only permitted if the following requirements are met:

1. The floor area and equipment must be vacuumed prior to blow down
2. Electrical power and other sources of ignition must be shut down, removed from the area, or classified for use in dusty areas (Class II, Division 1 and/or 2)
3. Only a low gauge pressure of 15 psi steam or compressed air must be used
4. No open flames, sparks from spark-producing equipment, or hot surfaces capable of igniting a dust cloud or layer must exist.
5. All fire protection equipment must be in service

FAILURE TO CORRECT

c) On September 29, 2021, a follow-up inspection determined that employees were using compressed air for cleaning. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to control combustible dust from being suspended in the air as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

d) Facility wide - The employer did not develop and implement an Emergency Action Plan (EAP) and a Fire Prevention Plan (FPP) where employees worked with and around machinery or surfaces which contained wood dust, a Class II Group G combustible dust.

Among other methods, one feasible and acceptable method to correct this hazard is to develop and implement an EAP and FPP which meet the minimal requirements listed in 29 CFR 1910.38(c) and 29 CFR 1910.39(c), respectively.

e) Sanding and Mill departments - The local exhaust ventilation (LEV) system used to remove wood dust, a Class II Group G combustible dust, from the machinery and the surrounding environment was not configured, designed and/or maintained effectively to prevent wood dust from potentially settling and accumulating inside of the ventilation system.

Among other methods, feasible and acceptable methods to correct this hazard include, but are not limited to:

1. Develop and implement a system to routinely perform maintenance checks on the ventilation system to make sure that the transport velocity is being maintained effectively. The American Conference of Governmental Industrial Hygienists (ACGIH) "Industrial Ventilation Manual of Recommended Practices for Design (26th Edition) states that the required design (transport) velocity for dry dusts and powders should be 3,000 - 3,500 feet per minute (fpm). All parts of the ventilation system, including, but not limited to ducts, fittings, and elbows should also be checked at routine intervals for leaks and/or cracks.

2. Examine and analyze all of the branch entries located throughout the LEV system inside of the Sanding and Mill departments. The ACGIH "Industrial Ventilation Manual of Recommended Practices for Design (26th Edition) states that "branches should enter at gradual expansions and at an angle of 30 degrees or less (preferred) to 45 degrees if necessary." Although all of the branch entries appeared to be made at proper angles (30 to 45 degrees), the duct diameters downstream of the branch entries were potentially not sufficiently sized to maintain the required transport velocity of the LEV system.

3. Eliminate all blanked off ducts from the ventilation system. The employer had blanked off two of the ducts located on the horizontal duct located near the electrical panel identified in the upper right corner as BP17 across the aisle from the Sanding department. The Chinese sander also had 2 gate valves that were opened when the sander was used and closed when not in use. Blanking off ducts in a ventilation system starves the system for air and can potentially lower the transport velocity downstream of the blanked off ducts. This can potentially cause dust to fall out (dropout) of the airstream during transfer and settle and/or accumulate on the walls inside the duct. One way to fix this problem is to remove the unneeded branch from the main horizontal duct and re-balance the LEV system by installing adjustable dampers or fixed orifice plates on the unneeded duct. The employer could also remove the unneeded branch and install a new straight duct section in the main horizontal duct. No matter how the employer decides to eliminate the blanked off ducts the employer must test and measure the design parameters of the LEV system after each change to make sure that the measured velocity, flowrate, and static pressure match the designed velocity, flowrate, and static pressure.

FAILURE TO CORRECT

d) On September 29, 2021, a follow-up inspection determined wood dust, a Class II Group G combustible dust was not being controlled and allowed to be build up in air ducts. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to control the combustible dust as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 001a, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

**Additional Penalty:
\$210,000.00**

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Correct Violation

Original Inspection:	318011293	Inspection Number:	318131471
Original Inspection Date(s):	1/25/2016 - 4/22/2016	Inspection Date(s):	06/02/2021 - 10/13/2021
		Issuance Date:	12/13/2021
		CSHO ID:	I7062
		Optional Report No.:	2330-21

Company Name: Selected Furniture, LLC

Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 001b

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms, or service rooms were not kept clean and orderly or in a sanitary condition.

Facility wide - Accumulations of between approximately 3/8-inch to 5/8-inch of wood dust, a Class II Group G combustible dust, had settled on surfaces such as, but not limited to the top of electrical panels, obsolete equipment across aisle from sanding, and the main duct for dust collection system.

ABATEMENT NOTE: Among other methods, feasible and acceptable methods to correct this hazard include establishing a cleaning schedule for the facility and/or hiring an outside cleaning service. The wood dust layers on all surfaces and floors of the facility must be cleaned at a frequency which keeps the wood dust layers below 1/8-inch thick.

FAILURE TO CORRECT

On September 29, 2021, a follow-up inspection determined that Class II wood dust accumulations were in excess of 1/8-inch. For a period of thirty (30) or more days, including (30) days from August 25, 2016, the employer failed to develop and implement a cleaning schedule to ensure wood dust levels were maintained as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 001b, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

**Additional Penalty:
\$210,000.00**

Indiana Department of Labor

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Company Name: Selected Furniture, LLC

Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 001c

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

- a) Sanding Department - The sanding employees blew out their equipment such as, but not limited to, wide belt sanders, 480-volt breaker panels, and 110-volt receptacle outlets, using an air wand. This equipment was not rated for environments where Class II Group G combustible wood dust was present.
- b) Sanding Department - A 110-volt 10-gallon Shop Vac was being used to clean up wood dust, a Class II Group G combustible dust, located under equipment such as, but not limited to the DMC wide belt sander. However, this vacuum was not listed or rated for use in Class II hazardous locations and not approved or designed to collect combustible dust.

ABATEMENT NOTE:

- a) Develop methods of cleaning other than using air such as, but not limited to sweeping or brushing off equipment with non-static producing brushes or brooms. Develop a procedure to ensure electrical equipment in the area is de-energized.
- b) Develop methods of cleaning under the equipment using brushes or brooms or purchasing a vacuum that is approved for a Class II Group G combustible dust.

FAILURE TO CORRECT

a) On September 29, 2021, a follow-up inspection determined a relocatable power tap and extension cords were being used. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to use electrical equipment approved for Class II Group G locations as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 001c, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

**Additional Penalty:
\$210,000.00**

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Indiana Occupational Safety and Health Administration

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Company Name: Selected Furniture, LLC

Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 002

29 CFR 1910.106(e)(2)(ii): Flammable liquids were not stored in tanks or closed containers:

- a) Chairs Spray Booth Area - Containers of Category 2 flammable liquids were allowed to remain open throughout the work day such as, but not limited to, Sher-wood Acrylic Conversion Coating SC4185, Sayerlack Polyurethane Basecoat (TU0020/00), and Sayerlack Polyurethane Hardener (TH0720/00).
- b) Benches Spray Booth Area - Containers of Category 2 flammable liquids were allowed to remain open throughout the work day such as, but not limited to, Sher-wood Acrylic Conversion Coating SC4185, Sayerlack Polyurethane Basecoat (TU0020/00), and Sayerlack Polyurethane Hardener (TH0720/00).

FAILURE TO CORRECT

a) On September 29, 2021, a follow-up inspection determined that open containers of Cherry Table, Maple TS 72817 and Sherwin Williams Rustic Patina were present in the chairs spray booth area. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to cover flammable liquids when not in use as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

b) On September 29, 2021, a follow-up inspection determined that open containers of IVM PA20 White Polyurethane Primer and IVM TO9755, Diamante Clear Top were present in the benches spray booth area. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to cover flammable liquids when not in use as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 002, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

**Additional Penalty:
\$90,000.00**

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Company Name: Selected Furniture, LLC

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Safety Order 01 Item 003

29 CFR 1910.107(c)(2): Open flame(s) or spark producing equipment, not separated by a partition, were located within 20 feet of spraying area(s):

- a) Chairs Spray Booth area - There were 2 re-locatable power taps (power strips), a portable radiant heater, and a portable light within 8 - 10 feet of the spraying area. The electrical used would readily produce sparks.
- b) Benches Spray Booth area - A 110-volt outlet was located on the outer wall of the spray booth. Radiant heaters and electrical wiring were located about 15 feet from the front of the spraying area. The electrical used would readily produce sparks.

FAILURE TO CORRECT

On September 29, 2021, a follow-up inspection determined that electrical ignition sources were present in the spray areas. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to control electrical ignition sources in spray areas as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 003, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

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Safety Order 01 Item 004

29 CFR 1910.107(d)(8): The spray booth exhaust duct terminal discharge point was less than 6 feet from any combustible exterior wall or roof nor discharged in the direction of any combustible construction or unprotected opening in any noncombustible exterior wall within 25 feet:

Benches spray booth - The exhaust ducting for the benches spray booth discharged directly on the outside wall of the facility as the exhaust fan was set in the wall without any additional ducting. There were unprotected windows on either side of this exhaust.

FAILURE TO CORRECT

On September 29, 2021, a follow-up inspection determined that the exhaust ducting discharged directly on the outside wall. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to move the exhaust ducting for the benches spray booth as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 004, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

**Additional Penalty:
\$90,000.00**

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Safety Order 01 Item 005

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 was not the minimum required for operations and exceeded 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) was not in a separate, constructed building detached from other important buildings or cut off in a standard manner:

- a) Chairs Spray Booth Area - Containers of Category 2 flammable liquids such as, but not limited to, Sher-wood Acrylic Conversion Coating SC4185, Sayerlack Polyurethane Basecoat (TU0020/00), and Sayerlack Polyurethane Hardener (TH0720/00) were stored in the spray booth area in excess of the quantity needed for 1 day.
- b) Benches Spray Booth Area - Containers of Category 2 flammable liquids such as, but not limited to, Sher-wood Acrylic Conversion Coating SC4185, Sayerlack Polyurethane Basecoat (TU0020/00), and Sayerlack Polyurethane Hardener (TH0720/00) were stored in the spray booth area in excess of the quantity needed for 1 day.

FAILURE TO CORRECT

- a) On September 29, 2021, a follow-up inspection determined that more than 1 days' worth of flammable liquids was stored in the chairs spray booth area. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to remove the excess flammable liquids as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

b) On September 29, 2021, a follow-up inspection determined that more than 1 days' worth of flammable liquids was stored in the benches spray booth area. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to remove excess flammable liquids as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 005, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

Additional Penalty:

\$90,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Correct Violation

Original Inspection:	318011293	Inspection Number:	318131471
Original Inspection Date(s):	1/25/2016 - 4/22/2016	Inspection Date(s):	06/02/2021 - 10/13/2021
		Issuance Date:	12/13/2021
		CSHO ID:	I7062
		Optional Report No.:	2330-21

Company Name: Selected Furniture, LLC

Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 006

29 CFR 1910.107(f)(3): Sprinklers protecting spraying areas were not kept as free from deposits as practical by cleaning daily if necessary:

Chairs Spray Booth - The sprinkler heads were covered with tape. Residue was built up over the tape and it had acted as an encapsulate.

FAILURE TO CORRECT

On September 29, 2021, a follow-up inspection determined that sprinkler heads had paint residue on them. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to protect the sprinkler heads from overspray as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 006, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

**Additional Penalty:
\$90,000.00**

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Correct Violation

Original Inspection:	318011293	Inspection Number:	318131471
Original Inspection Date(s):	1/25/2016 - 4/22/2016	Inspection Date(s):	06/02/2021 - 10/13/2021
		Issuance Date:	12/13/2021
		CSHO ID:	I7062
		Optional Report No.:	2330-21

Company Name: Selected Furniture, LLC

Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 008

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:

Chairs Spray Booth area - The spray booth interior was covered in combustible residue from the spraying of a Category 2 flammable liquid.

FAILURE TO CORRECT

On September 29, 2021, a follow-up inspection determined combustible residue was on the chairs spray booth walls. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to clean the spray booth as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 008, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

**Additional Penalty:
\$90,000.00**

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Correct Violation

Original Inspection:	318011293	Inspection Number:	318131471
Original Inspection Date(s):	1/25/2016 - 4/22/2016	Inspection Date(s):	06/02/2021 - 10/13/2021
		Issuance Date:	12/13/2021
		CSHO ID:	I7062
		Optional Report No.:	2330-21

Company Name: Selected Furniture, LLC

Inspection Site: 1001 West Culver Road, Knox, IN 46534

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 009a

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

Facility wide - Production employees operating equipment such as, but not limited to, saws, wide belt sanders, and pneumatic staple guns were not required to wear safety glasses. The employer had not performed a personal protective equipment hazard assessment.

FAILURE TO CORRECT

On September 29, 2021, a follow-up inspection determined that no personal protective equipment hazard assessment was completed. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to perform the personal protective equipment hazard assessment as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 009a, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

**Additional Penalty:
\$150,000.00**

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Correct Violation

Original Inspection:	318011293	Inspection Number:	318131471
Original Inspection Date(s):	1/25/2016 - 4/22/2016	Inspection Date(s):	06/02/2021 - 10/13/2021
		Issuance Date:	12/13/2021
		CSHO ID:	I7062
		Optional Report No.:	2330-21

Company Name: Selected Furniture, LLC

Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 010b

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

Chairs and Benches Spray Areas - Painters were wearing 3M 1/2 mask respirators when spray finishing chairs, tables, and benches. The painters had not received a medical evaluation to determine their ability to wear the 3M respirators.

FAILURE TO CORRECT

On September 29, 2021, a follow-up inspection determined that employees were wearing 1/2 mask respirators. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to have the employees medically evaluated as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 010b, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

**Additional Penalty:
\$60,000.00**

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Correct Violation

Original Inspection:	318011293	Inspection Number:	318131471
Original Inspection Date(s):	1/25/2016 - 4/22/2016	Inspection Date(s):	06/02/2021 - 10/13/2021
		Issuance Date:	12/13/2021
		CSHO ID:	I7062
		Optional Report No.:	2330-21

Company Name: Selected Furniture, LLC

Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 010c

29 CFR 1910.134(f)(1): The employer did not ensure that employee(s) required to use a tight-fitting facepiece respirator passed the appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT):

Chairs and Benches Spray Areas - Painters were wearing 3M 1/2 mask respirators when spray finishing chairs, tables, and benches. The painters were not fit tested to ensure the respirators were the appropriate size.

FAILURE TO CORRECT

On September 29, 2021, a follow-up inspection determined that employees were wearing 1/2 mask respirators. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to have the employees fit test as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 010c, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

**Additional Penalty:
\$60,000.00**

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Correct Violation

Original Inspection:	318011293	Inspection Number:	318131471
Original Inspection Date(s):	1/25/2016 - 4/22/2016	Inspection Date(s):	06/02/2021 - 10/13/2021
		Issuance Date:	12/13/2021
		CSHO ID:	I7062
		Optional Report No.:	2330-21

Company Name: Selected Furniture, LLC

Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 010d

29 CFR 1910.134(h)(2)(i): Respirators were not stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals or were not packed or stored to prevent deformation of the facepiece and exhalation valve:

Chairs and Benches Spray Areas - Painters were wearing 3M 1/2 mask respirators when spray finishing chairs, tables, and benches. The respirators were either stored on a nail in the benches spray booth area or laying in a locker in the chairs spray booth area.

FAILURE TO CORRECT

On September 29, 2021, a follow-up inspection determined that employees were wearing 1/2 mask respirators. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to instruct employees on proper storage of respirators as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 010d, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

**Additional Penalty:
\$60,000.00**

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Correct Violation

Original Inspection:	318011293	Inspection Number:	318131471
Original Inspection Date(s):	1/25/2016 - 4/22/2016	Inspection Date(s):	06/02/2021 - 10/13/2021
		Issuance Date:	12/13/2021
		CSHO ID:	I7062
		Optional Report No.:	2330-21

Company Name: Selected Furniture, LLC

Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 010e

29 CFR 1910.134(k)(1)(i): The employer did not ensure that each employee could demonstrate knowledge of why the respirator was necessary and how improper fit, usage, or maintenance could compromise the protective effect of the respirator:

Chairs and Benches Spray Areas - Painters were wearing 3M 1/2 mask respirators when spray finishing chairs, tables, and benches. The painters have not received training on the respirators.

FAILURE TO CORRECT

On September 29, 2021, a follow-up inspection determined that employees were wearing 1/2 mask respirators. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to provide information and training to employees wearing tight-fitting 1/2 mask respirators as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 010e, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

**Additional Penalty:
\$60,000.00**

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Correct Violation

Original Inspection:	318011293	Inspection Number:	318131471
Original Inspection Date(s):	1/25/2016 - 4/22/2016	Inspection Date(s):	06/02/2021 - 10/13/2021
		Issuance Date:	12/13/2021
		CSHO ID:	I7062
		Optional Report No.:	2330-21

Company Name: Selected Furniture, LLC

Inspection Site: 1001 West Culver Road, Knox, IN 46534

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 013a

29 CFR 1910.1030(c)(1)(i): The employer having employee(s) with occupational exposure did not establish a written Exposure Control Plan designed to eliminate or minimize employee exposure:

Facility Wide - Two janitorial employees performed cleaning activities when injuries occurred that resulted in employee exposure to blood. A bloodborne pathogens program had not been established or implemented.

FAILURE TO CORRECT

On September 29, 2021, a follow-up inspection determined that employees are exposed to blood when cleaning up from employee injuries. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to develop a bloodborne pathogens program as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 013a, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

**Additional Penalty:
\$120,000.00**

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Correct Violation

Original Inspection:	318011293	Inspection Number:	318131471
Original Inspection Date(s):	1/25/2016 - 4/22/2016	Inspection Date(s):	06/02/2021 - 10/13/2021
		Issuance Date:	12/13/2021
		CSHO ID:	I7062
		Optional Report No.:	2330-21

Company Name: Selected Furniture, LLC
Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 013b

29 CFR 1910.1030(f)(1)(i): The employer did not make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure:

Facility Wide - Two janitorial employees performed cleaning activities when injuries occurred that resulted in employee exposure to blood. The employees were not offered the Hepatitis B vaccination.

FAILURE TO CORRECT

On September 29, 2021, a follow-up inspection employees cleaned up blood and blood products following injuries. For a period of thirty (30) or more days, including (30) days from August 16, 2016, the employer failed to provide the Hepatitis B vaccination as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011293, part of the citations issued to the employer on July 14, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 013b, INSPECTION NO. 318011293, ISSUED ON July 14, 2016.

**Additional Penalty:
\$120,000.00**



James H. Berry
Director of General Industry