

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE IOSHA BOARD OF  
SAFETY REVIEW  
CASE DOCKET NO. 13-033

RECEIVED

JAN 0 2015

SEYFARTH SHAW LLP

IN THE MATTER OF: )  
 )  
COMMISSIONER OF LABOR, )  
 )  
Complainant, )  
 )  
v. )  
 )  
EXOTIC FELINE RESCUE CENTER, )  
AND ITS SUCCESSORS, )  
 )  
Respondent. )

F I L E D

JAN 13 2015

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 the Exotic Feline Rescue Center (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 June 21, 2013 through October 8, 2013, authorized employees of the Indiana Department of Labor conducted an inspection at the Respondent's worksite located at 2221 E. Ashboro Rd., Center Point, Indiana 47840.

2. On November 13, 2013, Complainant issued a Safety Order and Notification of Penalty (hereinafter "Safety Order") resulting from Indiana Department of Labor Inspection No. 317056687 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 December 6, 2013, 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, and 7; and Safety Order 2, Items 1 and 2.

5. Safety Order 1, Item 1 alleges a "Serious" violation of I.C. 22-8-1.1-2 for employees operating utility vehicles and loaders without being properly trained and assesses a total penalty of Two Thousand Dollars (\$2,000).

6. Safety Order 1, Item 2 alleges a "Serious" violation of 29 CFR 1904.29(a) and assesses a total penalty of One Thousand Dollars (\$1,000).

7. Safety Order 1, Item 3 alleges a "Serious" violation of 29 CFR 1910.132(a) and assesses a total penalty of Two Thousand Dollars (\$2,000).

8. Safety Order 1, Item 4 alleges a "Serious" violation of 29 CFR 1910.132(d)(1) and assesses a total penalty of Two Thousand Dollars (\$2,000).

9. Safety Order 1, Item 5 alleges a "Serious" violation of 29 CFR 1910.141(b)(1)(i) and assesses a total penalty of Two Thousand Dollars (\$2,000).

10. Safety Order 1, Item 6 alleges a "Serious" violation of 29 CFR 1910.1200(e)(1)(i) and assesses a total penalty of Two Thousand Dollars (\$2,000).

11. Safety Order 1, Item 7 alleges a "Serious" violation of 29 CFR 1910.1200(h) and assesses a total penalty of Two Thousand Dollars (\$2,000).

12. The total penalty for Safety Order 1 is Thirteen Thousand Dollars (\$13,000).

13. Safety Order 2, Item 1 alleges a "Knowing" violation of I.C. 22-8-1.1-2 for the structure, height, and openings of the animal cage fencing, along with the design and operation

of the slide gates, and assesses a total penalty of Twenty-Eight Thousand Dollars (\$28,000).

14. Safety Order 2, Item 2 alleges a "Knowing" violation of I.C. 22-8-1.1-2 for employee exposure to dangerous animals and assesses a total penalty of Twenty-Eight Thousand Dollars (\$28,000).

15. The total penalty for Safety Order 2 is Fifty-Six Thousand Dollars (\$56,000).

16. The total penalty for Safety Orders 1 and 2 combined is Sixty-Nine Thousand Dollars (\$69,000).

### PART III

17. Safety Order 1, Item 1 is upheld as cited and the penalty is reduced to Zero Dollars (\$0).

18. Safety Order 1, Item 2 is re-classified as a "Non-Serious" violation of 29 CFR 1904.29(a) as otherwise cited and the penalty is reduced to Zero Dollars (\$0).

19. Safety Order 1, Item 3 is upheld as cited and the penalty is reduced to Zero Dollars (\$0).

20. Safety Order 1, Item 4 is upheld as cited and the penalty is reduced to Zero Dollars (\$0).

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

22. Safety Order 1, Item 6 is upheld as cited and the penalty is reduced to Zero Dollars (\$0).

23. Safety Order 1, Item 7 is upheld as cited and the penalty is reduced to Zero Dollars (\$0).

24. Safety Order 2, Item 1 is re-classified as a "Serious" violation of I.C. 22-8-1.1-2, but only as the original citation relates to the "operation of the sliding gates where large feline

carnivores are kept,” and the penalty is reduced to Zero Dollars (\$0). The portion of this original citation referring to the “structure, height and the openings of the wired fencing” is hereby deleted in its entirety. The USDA continues to exercise jurisdictional authority over the enclosures cited and, therefore, IOSHA concedes its authority over that portion of the original citation to the USDA and accepts the results of the USDA’s actions in this matter.

25. Safety Order 2, Item 2 is re-classified as a “Serious” violation of I.C. 22-8-1.1-2 as otherwise cited and the penalty is reduced to Zero Dollars (\$0).

26. The AGREED total penalty for all violations and all subparts thereunder, subject to this Agreed Entry, is Zero Dollars (\$0).

27. Abatement for each item upheld or re-classified shall be in compliance with the standard and as described for each item in the May 27, 2014 settlement letter sent by Mark Lies to Tim Maley, Julie Alexander, and J. Anthony Hardman with the following additional requirements:

- a. Safety Order 1, Item 1 – Training must include hands-on on training where safe and proficient operation of the equipment is observed by a qualified person and documented. Training must be completed within ninety (90) days after this Agreed Entry is filed with the Board of Safety Review.
- b. Safety Order 1, Items 3 and 4 – PPE must not only be made available, Respondent must also train its employees and enforce the use of PPE as identified in the written hazard assessment.
- c. Safety Order 1, Items 6 and 7 – Respondent must also maintain a list of all hazardous chemicals used along with the safety data sheets and provide hazardous communication training to its employees.

d. Safety Order 2, Item 1 – All slide gates that are used to separate the animals from the employees shall open and close all the way and shall be able to be raised and lowered in the manner in which the slide gates were designed to be operated, which affords safe operation by all employees whose jobs entail use of the slide gates.

e. Safety Order 2, Item 2 – Abatement must include documenting procedures, protocols, and training and include an audit and disciplinary program for safety violations. See the Safety Order for other feasible and acceptable abatement detail.

f. Three months after this Agreed Entry is filed with the Board of Safety Review, Respondent must provide Complainant with a status report for all abatement that is due under this agreement, including the amount of money spent to abate each item.

g. Within six months after this Agreed Entry is filed with the Board of Safety Review, all abatement must be completed and Respondent must provide Complainant with a final accounting of money spent on said abatement.

28. Respondent further agrees to a follow-up inspection of its facilities by Complainant after all abatement is complete, within six to twelve months after this Agreed Entry is filed with the Board of Safety Review.

29. 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”).

30. Respondent confirms Complainant’s right to re-inspect its workplaces, in accordance

with the Act, and to verify abatement of the alleged violations.

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

PART IV.

32. 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.

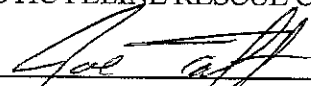
33. Except for this agreement, and matters arising out of this agreement and any other subsequent IOSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by the Respondent shall be deemed an admission by Respondent of the allegations contained within the Safety Order(s) and Notification(s) of Penalty. The agreements, statements, findings, and actions taken herein are made in order to compromise and settle this matter economically and amicably, and they shall not be used for any other purpose, except as herein stated. Further, the Respondent and Complainant do not intend for this agreement to be used in any other legal or administrative forum, including, but not limited to, any claim made relating to worker's compensation benefits made by any person or party.

34. 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.

35. 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 22 day of December, 2014.

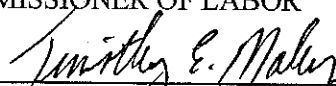
EXOTIC FELINE RESCUE CENTER

By: 

Printed: Joe Taft

Title: Director

COMMISSIONER OF LABOR

By: 

Timothy E. Maley  
Deputy Commissioner - IOSHA

Approved as to Form:

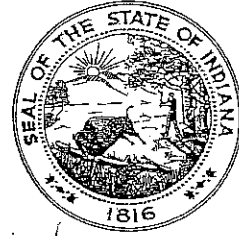
By: 

Mark A. Lies II,  
Counsel for Respondent

By: 

J. Anthony Hardman,  
Counsel for Complainant

Indiana Department of Labor  
Indiana Occupational Safety and Health Administration  
402 West Washington Street  
Room W195  
Indianapolis, IN 46204-2751  
Phone: 317/232-1979 Fax: 317/233-8509



*Certified mail # 91 7190 0005 2720 0031 0979 11-13-13 JH*

## Safety Order and Notification of Penalty

<p>To:</p> <p>Exotic Feline Rescue Center, and its successors 2221 East Ashboro Road CenterPoint, IN 47840</p>	<p>Inspection Number: 317056687</p> <p>Inspection Date(s): 06/21/2013 - 10/08/2013</p> <p>Issuance Date: 11/13/2013</p>
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Inspection Site:  
  
2221 East Ashboro Road  
CenterPoint, IN 47840

*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

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(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.

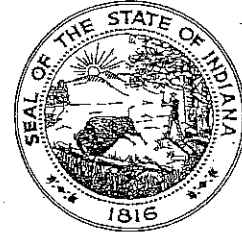
~~**Followup Inspections** - Please be advised that a followup inspection may be made for the purpose of~~ ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation 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  
Indiana Occupational Safety and Health Administration



### NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 11/13/2013. The conference will be held at the IOSHA office located at 402 West

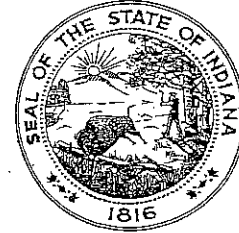
Washington Street, Room W195, Indianapolis, IN 46204 on \_\_\_\_\_ at

\_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

Inspection Number: 317056687  
Inspection Dates: 06/21/2013 - 10/08/2013  
Issuance Date: 11/13/2013



Safety Order and Notification of Penalty

Company Name: Exotic Feline Rescue Center  
Inspection Site: 2221 East Ashboro Road, Centerpoint, IN 47840

Safety Order 1 Item 1 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 potentially broken bones and/or death from operating Bobcat utility vehicles and Bobcat Compact Track Loaders without reading operation & maintenance manuals and being trained on how to operate vehicles safely.

Facility Wide- Employer did not require all employees who operate utility vehicles and compact track loaders to read the operation & maintenance manuals . Employees who operate utility vehicles and compact track loaders were not trained.

Among other methods, feasible and acceptable abatement methods to correct this hazard include: 1. Develop and implement a safety training program for best practices for employee safety. (a) Require all employees who operate the Bobcat utility vehicles and or the Bobcat compact track loaders read the operation & maintenance manual; (b) Follow the American National Standard ANSI/OPEI B71.9-201X- Multipurpose Off-Highway Utility Vehicles.

**Date By Which Violation Must be Abated:** 12/10/2013  
**Proposed Penalty:** \$2,000.00

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

29 CFR 1904.29(a) : Basic requirement. You must use OSHA 300, 300-A, and 301 forms, or equivalent forms, for recordable injuries and illnesses. The OSHA 300 form is called the Log of Work-Related Injuries and Illnesses, the 300-A is the Summary of Work-Related Injuries and Illnesses, and the OSHA 301 form is called the Injury and Illness Incident Report.

Facility Wide - The employer did not keep the OSHA 300 and the 300A log as required by Indiana Occupational Safety and Health Administration when employees are injured on the job and requires medical attention.

**Date By Which Violation Must be Abated:** 12/10/2013  
**Proposed Penalty:** \$1,000.00

**Indiana Department of Labor**

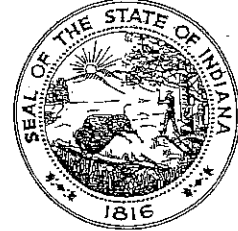
Indiana Occupational Safety and Health  
Administration

**Inspection** 317056687

**Number:**

**Inspection Dates:** 06/21/2013 -  
10/08/2013

**Issuance Date:** 11/13/2013



Safety Order and Notification of Penalty

**Company Name:** Exotic Feline Rescue Center

**Inspection Site:** 2221 East Ashboro Road, Center Point, IN 47840

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

29 CFR 1910.132(a): Protective equipment was not used when necessary whenever hazards capable of causing injury and impairment were encountered:

Facility Wide - Employer did not furnish personal protective equipment for employees exposed to hazards such as, but not limited to face shield, rubber apron and metal mesh gloves for employees cutting up beef and horse meat and any other personal protective equipment needed for hazardous chemicals employees are exposed to.

**Date By Which Violation Must be Abated:** 12/10/2013  
**Proposed Penalty:** \$2,000.00

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

29 CFR 1910.132(d)(1): The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall:

Facility Wide - Employer did not do a hazard assessment of the workplace looking for hazards that employees are exposed to an if any personal protective equipment they should wear to be safe from injuries.

**Date By Which Violation Must be Abated:** 12/10/2013  
**Proposed Penalty:** \$2,000.00

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

1910.141(b)(1)(i): Potable water shall be provided in all places of employment, for drinking, washing of the person, cooking, washing of foods, washing of cooking or eating utensils, washing of food preparation or processing premises, and personal service rooms.

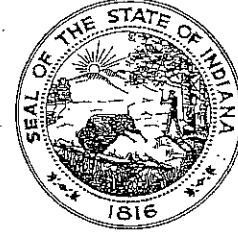
Facility Wide; Employer did not provide drinking water to employees. Employees have to bring in there own water or buy it from the Director of the facility for \$1.00 a bottle.

**Date By Which Violation Must be Abated:** 12/10/2013  
**Proposed Penalty:** \$2,000.00

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

Inspection Number: 317056687  
Inspection Dates: 06/21/2013 - 10/08/2013  
Issuance Date: 11/13/2013



Safety Order and Notification of Penalty

Company Name: Exotic Feline Rescue Center  
Inspection Site: 2221 East Ashboro Road, Center Point, IN 47840

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

29 CFR 1910.1200(e)(1)(i): The written hazard communication program did not include a list of the hazardous chemicals known to be present using an identity that was referenced on the appropriate material safety data sheet:

Maintenance Barn - Facility Wide- Employees are exposed to chemicals such as, but not limited to acetone, bleach, diesel fuel, fly poison, rat poison to name a few and the employer does not provide any material safety data sheets for any chemicals employees are exposed to:

**Date By Which Violation Must be Abated:** 12/10/2013  
**Proposed Penalty:** \$2,000.00

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

29 CFR 1910.1200(h): Employees were not provided information and training as specified in 29 CFR 1910.1200(h)(1) and (2) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

Maintenance Barn- Facility Wide- Employer does not provide any training to employees who are exposed to chemicals such as, but not limited to acetone, bleach, diesel fuel, fly poison, rat poison to name a few and the employer does not provide any information for each chemical employees are exposed to.

**Date By Which Violation Must be Abated:** 12/10/2013  
**Proposed Penalty:** \$2,000.00

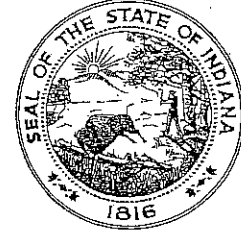
Indiana Department of Labor

Indiana Occupational Safety and Health  
Administration

Inspection Number: 317056687

Inspection Dates: 06/21/2013 -  
10/08/2013

Issuance Date: 11/13/2013



Safety Order and Notification of Penalty

Company Name: Exotic Feline Rescue Center  
Inspection Site: 2221 East Ashboro Road, Center Point, IN 47840

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

IC 22-8-1.1 Section 2 : The employer did not establish and maintain conditions of work which were reasonably safe and healthful for employees, and free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to animal attacks.

Facility Wide - On or about June 21, 2013 the employer failed to provide a place of employment free from the recognized hazards such as, but not limited to, the structure, height and the openings of the wired fencing and the design and operation of the sliding gates where large feline carnivores are kept. Employees are exposed to these hazards on a daily basis.

Feasible Means of Abatement: The hazard can feasibly be abated by fixing gates so they are not hard to open and close all year around, gates get clogged with mud in the fall, spring and summer and ice and snow in the winter months. Raise the height of the fencing on the animal cages. Close the openings on the fencing where there isn't a four inch opening in the fence. See report of investigation Case Number IN130001-AC that United States Department of Agriculture Animal and Plant Health inspection Service Investigative and Enforcement Services. See 9 CFR 3.125- Facilities, general and 9 CFR 3.127 - Facilities, outdoor for guidelines.

Date By Which Violation Must be Abated: **12/10/2013**  
Proposed Penalty: **\$28,000.00**



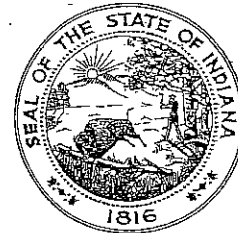
**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

Inspection Number: 317056687

Inspection Dates: 06/21/2013 -  
10/08/2013

Issuance Date: 11/13/2013



**Safety Order and Notification of Penalty**

Company Name: Exotic Feline Rescue Center  
Inspection Site: 2221 East Ashboro Road, Centerpoint, IN 47840

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

IC 22-8-1.1 Section 2 : The employer did not establish and maintain conditions of work which were reasonably safe and healthful for employees, and free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to animals that are hazards to humans such as, but not limited to lions, leopards and tigers.

a) Facility Wide- On or about June 21,2013 and at times prior there to, the employer failed to furnish employment and a place of employment which were free from recognized hazards in that it did not develop and implement work protocols and training for animal keepers and all other employees who work with or around animals where large feline carnivores were housed and exhibited.

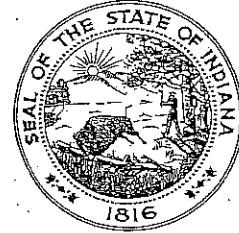
b) Facility Wide - On or about June 21,2013 and at times prior thereto, the employer failed to furnish employment and a place of employment which were free from recognized hazards in that employees are exposed on a daily basis to all large feline carnivores when moving outside of their cages and conducting husbandry activities including giving medication.

c) Facility Wide -On or about June 21,2013 and at times prior thereto, the employer failed to furnish employment and a place of employment which were free from recognized hazards in that employees have to enter cages #2 (serval) , #32 (bobcat) , #33 (bobcat) , #50(cougar) #54(bobcat) and cage #59 (Canadian lynx),or any other such enclosure that does not separate employees from the animals when cleaning, watering, or any other necessary activities.

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

Inspection Number: 317056687  
Inspection Dates: 06/21/2013 - 10/08/2013  
Issuance Date: 11/13/2013

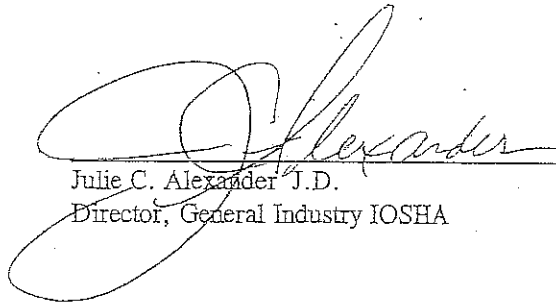


Safety Order and Notification of Penalty

Company Name: Exotic Feline Rescue Center  
Inspection Site: 2221 East Ashboro Road, Center Point, IN 47840

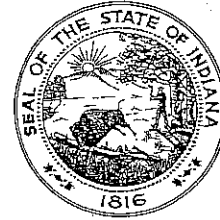
Among other methods, feasible and acceptable abatement methods to correct this hazard includes: 1. Develop and implement protocols which incorporate best practices for employee safety. (a) Develop a systematic, documented procedures for transferring and general handling of animals; (b) Require two animal keepers to work together during transfers of dangerous animals with the second person re-checking all doors and locks and independently verifying the location of the animal(s); (c) Require two locked doors between the animal keeper and the animal(s); (d) Clarify your Carnivore Lock Policy and provide additional training to ensure that all levels of management interpret the policy correctly and identically; (e) Perform near miss investigations for all such incidents to determine root causes, communicate your findings to employees and take steps to avoid recurrence; (f) Evaluate the use of lock-out/tag-out or a similar method to ensure that when an animal keeper or any other employee is in a particular work area, no one else can open a cage or transfer and general handling of animal(s). 2. Develop training for animal keepers and all other employees which identifies door and lock protocols, transfer protocols, examples of near misses and all injuries which have previously occurred. 3. Perform periodic audits to ensure compliance with all established procedures and follow-up on safety concerns. See 9 CFR 3.132

Date By Which Violation Must be Abated: 12/10/2013  
Proposed Penalty: \$28,000.00

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

**Indiana Department of Labor**

Indiana Occupational Safety and Health Administration  
402 West Washington Street  
Room W195  
Indianapolis, IN 46204-2751  
Phone: 317/232-1979 Fax: 317/233-8509



**INVOICE/DEBT COLLECTION NOTICE**

Company Name: Exotic Feline Rescue Center  
Inspection Site: 2221 East Ashboro Road, Center Point, IN 47840  
Issuance Date: 11/13/2013

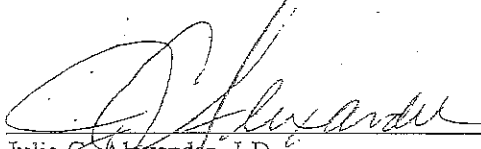
Summary of Penalties for Inspection Number	317056687
Safety Order 01, Serious	= \$13,000.00
Safety Order 02, Knowing	= \$56,000.00
Total Proposed Penalties	\$69,000.00

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, Industrial Compliance

11/13/13  
Date