

Indiana Department of Labor

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



Certified mail # 917190 0005 2720 0058 6633 4-15-16 JH

Safety Order and Notification of Penalty

To:

Road Hog Inc
464 Southpoint Circle
Brownsburg, IN 46112

Inspection Number: 318010295
CSHO ID: D6936
Optional Report No.: 2015-033
Inspection Date(s): 11/13/2015 - 12/15/2015
Issuance Date: 4/15/2016

Inspection Site:

464 Southpoint Circle
Brownsburg, IN 46112

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

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

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

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

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

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

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

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

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

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

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

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

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

during the prescribed abatement period.

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

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

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

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

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

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

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

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

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

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

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

Indiana Department of Labor

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 4/15/2016. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318010295
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Issuance Date: 4/15/2016
CSHO ID: D6936
Optional Report No.: 2015-033

Safety Order and Notification of Penalty

Company Name: Road Hog Inc
Inspection Site: 464 Southpoint Circle, Brownsburg, IN 46112

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

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

a) American Tool Works lathe - Lathes such as, but not limited to, the American lathe had an excessive amount of metal shavings piled up in front of and behind the lathe, exposing employees to trip and fall hazards.

b) LeBlond lathe - Lathes such as, but not limited to, the LeBlond lathe had an excessive amount of metal shavings piled up in front of and behind the lathe, exposing employees to trip and fall hazards.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$450.00**

Indiana Department of Labor
Occupational Safety and Health Administration

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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 01 Item 002a Type of Violation: **Serious**

29CFR 1910.37(a)(2): Exit routes must be arranged so that employees will not have to travel toward a high hazard area, unless the path of travel is effectively shielded from the high hazard area by suitable partitions or other physical barriers:

Shop - Flammable and combustible materials such as, but not limited to, liquefied petroleum tanks, an oxygen cylinder, and gasoline were stored next to each other at an exit door, exposing employees to burn hazards.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$600.00**

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Safety Order and Notification of Penalty

Company Name: Road Hog Inc
Inspection Site: 464 Southpoint Circle, Brownsburg, IN 46112

Safety Order 01 Item 002b Type of Violation: **Serious**

29 CFR 1910.253(b)(4)(iii): Oxygen cylinders in storage were not separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least 5 feet (1.5 m) high having a fire-resistance rating of at least one-half hour:

Shop - An oxygen cylinder, propane cylinders, and gasoline were stored together.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$0.00**

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Safety Order and Notification of Penalty

Company Name: Road Hog Inc
Inspection Site: 464 Southpoint Circle, Brownsburg, IN 46112

Safety Order 01 Item 003 Type of Violation: **Serious**

29 CFR 1910.107(b)(6): Spray booth(s) having a frontal area larger than 9 square feet did not have metal deflectors or curtains not less than 2 1/2 inches deep installed at the upper outer edge of the booth over the opening:

Shop - The spray booth which had a frontal area larger than 9 square feet did not have metal deflector or curtain at upper outer edge, potentially exposing employees to vapors from the spraying operation.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$450.00**

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Company Name: Road Hog Inc
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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 01 Item 005a Type of Violation: **Serious**

29 CFR 1910.107(c)(6): Electrical wiring, motors, and other equipment outside of but within twenty (20) feet of any spray area, and not separated therefrom by partitions, produced sparks under normal operating conditions and did not otherwise conform to the provisions of subpart S of this part for Class I, Division 2 Hazardous Locations:

Shop - Electrical equipment within 20 feet of the spraying area such as, but not limited to, outlets, toggle switches, and circuit breaker panel boxes attached to the outside of the spray booth and on nearby beams were not rated for Class I, Division 2 Hazardous Locations.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$600.00**

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Company Name: Road Hog Inc
Inspection Site: 464 Southpoint Circle, Brownsburg, IN 46112

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

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

Shop - Combustible residue, dust and deposits of spray finishing products such as, but not limited to, ANSI 61 Gray Epoxy Ester Primer S/C L/F (Category 2 flammable liquid), ICS Fleet Dry White Base Enamel W/B L/F (Category 2 flammable liquid), 3.5 VOC Gray Primer R/I L/F (Category 3 flammable liquid) and Minion Acrylic Reducer 90+ (Category 2 flammable liquid) was visible on the inside of spray booth walls and on the floor in and around spray areas.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$600.00**

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Company Name: Road Hog Inc
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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 01 Item 007a Type of Violation: **Serious**

29 CFR 1910.134(d)(1)(i): Selection of appropriate respirators was not based on the respiratory hazard(s) to which the worker was exposed and user factors that affect respirator performance and reliability:

Shop - Employees who performed spray finishing operations using products such as, but not limited to, ICS Fleet Dry White Base Enamel and 3.5 VOC Gray Primer wore half-mask 3M respirators with organic vapor cartridges, which did not provide protection against particulate hazards from products such as, but not limited to, titanium dioxide and calcium carbonate.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$450.00**

Indiana Department of Labor
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Safety Order and Notification of Penalty

Company Name: Road Hog Inc
Inspection Site: 464 Southpoint Circle, Brownsburg, IN 46112

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

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace; including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminant's chemical state and physical form:

Shop - Employees who performed spray finishing operations using products such as, but not limited to, ICS Fleet Dry White Base Enamel and 3.5 VOC Gray Primer wore half-mask 3M respirators with organic vapor cartridges, which did not provide protection against particulate hazards from products such as, but not limited to, titanium dioxide and calcium carbonate.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$0.00**

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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 01 Item 008a Type of Violation: **Serious**

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:

Spray booth - Employees who wore tight-fitting respirators such as, but not limited to, 3M half-mask respirators with organic vapor cartridges while performing spray finishing operations were not provided with a medical evaluation.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$600.00**

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Company Name: Road Hog Inc
Inspection Site: 464 Southpoint Circle, Brownsburg, IN 46112

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

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:

Shop - Tight-fitting respirators such as, but not limited to, 3M half-mask respirators with organic vapor cartridges used by employees when performing spray finishing operations were stored unprotected on a table outside of the spray booth.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$0.00**

Indiana Department of Labor
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Safety Order and Notification of Penalty

Company Name: Road Hog Inc
Inspection Site: 464 Southpoint Circle, Brownsburg, IN 46112

Safety Order 01 Item 010

Type of Violation: **Serious**

29 CFR 1910.178(a)(4): Modifications and additions which affect capacity and safe operation of powered industrial truck were performed by the employer without the manufacturer's prior written approval:

Shop - Hyster powered industrial truck 155 used by employees to move materials in the shop had an additional weight on the back of the powered industrial truck, which was not approved by the manufacturer prior to installation.

Date By Which Violation Must Be Abated: 5/19/2016
Proposed Penalty: \$600.00

Indiana Department of Labor
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Safety Order and Notification of Penalty

Company Name: Road Hog Inc
Inspection Site: 464 Southpoint Circle, Brownsburg, IN 46112

Safety Order 01 Item 011

Type of Violation: **Serious**

29 CFR 1910.178(a)(6): The employer did not ensure that all nameplates or markings were maintained in a legible condition:

Shop - Hyster powered industrial truck 155 used by employees to move materials in the shop did not have a legible nameplate.

Date By Which Violation Must Be Abated: 5/19/2016
Proposed Penalty: \$600.00

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Safety Order and Notification of Penalty

Company Name: Road Hog Inc
Inspection Site: 464 Southpoint Circle, Brownsburg, IN 46112

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 012a Type of Violation: **Serious**

29 CFR 1910.178(m)(5)(iii): Powered industrial truck(s), with the operator dismounted and within 25 feet of the truck still in his view, did not have the brakes set to prevent movement:

Shop - Hyster powered industrial truck #120 used by employees to move material such as, but not limited to, steel parts around the shop was parked with the brake not set due to an inoperable parking brake.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$600.00**

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Safety Order and Notification of Penalty

Company Name: Road Hog Inc
Inspection Site: 464 Southpoint Circle, Brownsburg, IN 46112

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

a) American Tool Works lathe - Lathe did not have an adequate guard covering the rotating chuck on the lathe, which exposed employees to caught-by hazards of the rotating chuck.

b) LeBlond lathe - Lathe did not have a guard covering the rotating chuck on the lathe, which exposed employees to caught-by hazards of the rotating chuck.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$1,050.00**

Indiana Department of Labor
Occupational Safety and Health Administration

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Company Name: Road Hog Inc
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Safety Order 01 Item 014 Type of Violation: **Serious**

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

Shop - The Standard Industrial Corp power press brake used by employees to bend metals such as, but not limited to, steel had an unguarded point of operation, which exposed operators and helpers to caught-in hazards of the press.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$1,500.00**

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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 01 Item 015a Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one eighth inch:

Shop - A Craftsman 6-inch bench grinder used by employees to grind metal such as, but not limited to, steel had a 3/8-inch gap between the tool rest and grinding disk, which exposed employees to struck by hazards.

Date By Which Violation Must Be Abated: **5/19/2016**
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Safety Order 01 Item 015b Type of Violation: **Serious**

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch:

Shop - A Craftsman 6-inch bench grinder used by employees to grind steel did not have a tongue guard and had a 9/16-inch gap between the top of the grinder and the grinding disk, which exposed employees to struck by hazards.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$0.00**

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Company Name: Road Hog Inc
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Safety Order 01 Item 018 Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

- a) American lathe - The electrical panel mounted on the back side of the lathe had an open unused hole, which exposed employees to contact with electrical hazards.

- b) American lathe - The Siemens 480 volt panel mounted on the wall behind the lathe had an open unused hole, which exposed employees to contact with electrical hazards.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$600.00**

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Safety Order 01 Item 019

Type of Violation: **Serious**

29 CFR 1910.305(b)(2)(i): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

Shop - An electrical junction box was missing the cover, which exposed employees to the wiring inside the junction box, and exposed employees to contact with electrical hazards.

Date By Which Violation Must Be Abated: 5/19/2016
Proposed Penalty: \$600.00

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Safety Order 01 Item 020 Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief was provided that would prevent pull from being directly transmitted to joints or terminal screws:

ESAB welder - The power cord outer sheathing was pulled away from the plug, exposing internal wiring of the cord, which exposed employees such as, but not limited to, welders to electrical hazards.

Date By Which Violation Must Be Abated: **5/19/2016**
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Safety Order 02 Item 001 Type of Violation: **NonSerious**

29 CFR 1904.29(a): The employer did not use an OSHA 300, 301 and 300A Form or equivalent:

Facility - OSHA 300 and 300A records were not maintained for an establishment which employed over 10 full time employees.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$0.00**

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Safety Order and Notification of Penalty

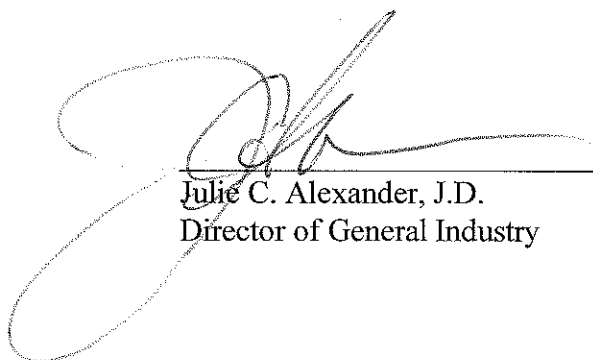
Company Name: Road Hog Inc
Inspection Site: 464 Southpoint Circle, Brownsburg, IN 46112

Safety Order 02 Item 002 Type of Violation: **NonSerious**

29 CFR 1910.107(g)(7): "No smoking" signs in large letters on contrasting color background shall be conspicuously posted at all spraying areas and paint storage rooms:

Spray booth - There was not a 'no smoking' sign posted on or around the spray booth.

Date By Which Violation Must Be Abated: **5/19/2016**
Proposed Penalty: **\$0.00**



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

Indiana Department of Labor

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



INVOICE/DEBT COLLECTION NOTICE

Company Name: Road Hog Inc
Inspection Site: 464 Southpoint Circle, Brownsburg, IN 46112
Issuance Date: 4/15/2016

Summary of Penalties for Inspection Number: 318010295

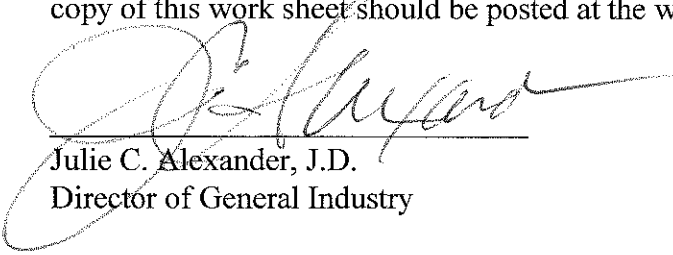
Safety Order 1, Serious	= \$12,900.00
Safety Order 2, NonSerious	= \$0.00
TOTAL PENALTIES	= \$12,900.00

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

IOSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).



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

4/15/16

Date