

## SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as "Commissioner") and Warsaw Chemical Co., Inc., (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 314362369 issued to the Employer on January 3, 2011 in the following manner.

### SAFETY ORDER 01:

- Item 1: Upheld, penalty reduced to \$735.00
- Item 2a: Deleted, penalty deleted
- Item 2b: Upheld, penalty adjusted to \$1,715.00
- Item 2e: Deleted
- Item 3a: Upheld, penalty reduced to \$735.00
- Item 4a: Upheld, penalty reduced to \$2,450.00
- Item 5: Upheld, penalty reduced to \$1,225.00

Except for the above specified amendments all other provisions of Safety Order Number 1 are retained intact. All provisions of Safety Order 2 are retained intact

**The TOTAL AGREED PENALTY is \$6,860.00**

**In addition to the above specified amendments, the employer further agrees to send at least one employee to OSHA 30 hour General Industry training by March 31, 2011. Penalty includes a 30% reduction for abatement of all outstanding citations and agreement for OSHA training.**

THE EMPLOYER IS SATISFIED WITH THE AMENDMENTS STATED ABOVE AND ACCORDINGLY WAIVES ITS RIGHT TO FILE A NOTICE OF CONTEST OF THE SAFETY ORDER(S) AND NOTIFICATION(S) OF PENALTY AS AMENDED AND AGREES TO WITHDRAW ANY PREVIOUSLY FILED NOTICES OF CONTEST IN THIS MATTER.

Upon full execution of this Settlement Agreement the Employer will post this Agreement for three (3) working days or until abatement is completed, whichever period is longer.

The total AGREED PENALTY is due and payable within fifteen (15) working days from the Employer's execution of this Agreement. The Employer further agrees that if the AGREED PENALTY is not paid within fifteen working days from the Employer's execution of this Agreement, that the full amount of the penalty initially assessed against the Employer in the Safety Order(s) and Notification(s) of Penalty which are the subject of this Agreement is due and payable immediately.

The Safety Order(s) and Notification(s) of Penalty are, and shall be, herein a final and enforceable Order of the Board of Safety Review.

Except for this agreement, and matters arising out of this agreement, and any other subsequent OSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by Employer shall be deemed an admission by Employer 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.

WARSAW CHEMICAL CO. INC.

COMMISSIONER OF LABOR

By: *Greg Dzwonkowski*

By: *RA Halton*

Title: *EH+S mgr.*

Title: *Director IC*

Date: *1/12/11*

Date: *1-12-11*



# Indiana

## Department of Labor

*Advancing the safety, health and prosperity of Hoosiers in the workplace*

**MITCHELL E. DANIELS, Jr., GOVERNOR**  
**Lori A. Torres, Commissioner**

402 West Washington Street, Room W195  
Indianapolis, Indiana 46204-2751

Phone: (317) 232-2655  
Fax: (317) 233-3790

January 03, 2011

Mr. Vic Gamble  
Warsaw Chemical Co., Inc.  
P.O. Box 858  
Warsaw, IN 46581

Re: Inspection No. 314362369

Dear Mr. Gamble:

An inspection of your workplace at 390 Argonne Road, Warsaw, IN, completed on November 18, 2010, disclosed the following hazard:

The Indiana Occupational Safety and Health Administration (IOSHA) documented employee exposure to NTA (nitritotriacetic acid - CAS #18662-53-8) in the powder mix area of the plant. Even though OSHA does not have a permissible exposure limit for this chemical, the manufacturer, Solutia, has recommended the following airborne exposure limits for employee exposure to NTA powder:

NTA Powder: 8-hour Time-Weighted Average (TWA) - 1 mg/m<sup>3</sup>  
15-min Short Term Exposure Limit (STEL) - 2 mg/m<sup>3</sup>

NTA has been listed as a substance that "may reasonably be anticipated to be" carcinogenic by the National Toxicological Program (NTP) and is classified as "possibly carcinogenic to humans" by the International Agency for Research on Cancer (IARC).

In the interest of workplace safety and health, I recommend that you take the following steps voluntarily to reduce your employees' exposure to the hazard described above:

- Engineering Controls - Ensure your current ventilation systems maintain employee exposures to NTA at acceptable levels (i.e. below Solutia's recommended exposure limits);
- Administrative Controls - If engineering controls can not be installed or while they are being put into effect, administrative controls can limit employee exposure to NTA. Work can be scheduled so that no individual worker is exposed to airborne contaminants above acceptable concentrations;

- Personal Protective Equipment - In the event that administrative or engineering controls are not feasible, respiratory protection should be used. Respirators should be selected and a respiratory protection developed in accordance with 29 CFR 1910.134;
- Monitoring Program - Employer should develop and implement a monitoring program whenever information indicates that any employee's exposure may equal or exceed the recommended TWA;
- Employee Training and Education - Employer should institute a training program for all employees with exposures to NTA and ensure employee participation;

Your interest in workplace safety and health is appreciated.

Sincerely,

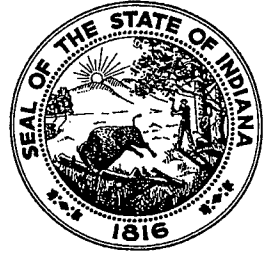


Robert A. Kattau  
Director, Industrial Compliance

RAK:cmk:skc

Certified Receipt No.: 7003 1010 0003 5731 4430  
1-3-11 Jto

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 #7003 1010 0003 5731 4430 1-3-11 jto*

## Safety Order and Notification of Penalty

**To:**  
Warsaw Chemical Co., Inc.,  
and its successors  
P.O. Box 858  
Warsaw, IN 46581

**Inspection Number:** 314362369  
**Inspection Date(s):** 10/13/2010 - 11/18/2010  
**Issuance Date:** 01/03/2011

**Inspection Site:**  
390 Argonne Road  
Warsaw, IN 46580-3884

*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.

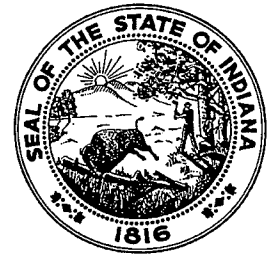
**Followup Inspections** - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation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





## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

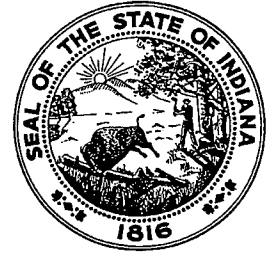
An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 01/03/2011. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on \_\_\_\_\_ at \_\_\_\_\_.

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:** 314362369  
**Inspection Dates:** 10/13/2010 - 11/18/2010  
**Issuance Date:** 01/03/2011



**Safety Order and Notification of Penalty**

**Company Name:** Warsaw Chemical Co., Inc.  
**Inspection Site:** 390 Argonne Road, Warsaw, IN 46580-3884

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

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

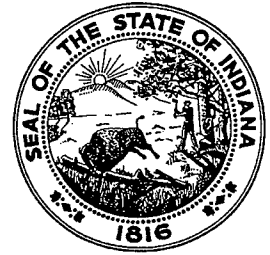
Drum Storage/Receiving Dock - Employees worked with and/or were exposed to corrosive chemicals, such as but not limited to sulfuric acid when servicing forklift truck batteries. No water flowed from the left-side nozzle of the emergency eye wash station located at the receiving dock when employee(s) faced the eyewash station.

**Date By Which Violation Must be Abated:** **Corrected During Inspection**  
**Proposed Penalty:** **\$1,050.00**

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 314362369  
**Inspection Dates:** 10/13/2010 - 11/18/2010  
**Issuance Date:** 01/03/2011



**Safety Order and Notification of Penalty**

**Company Name:** Warsaw Chemical Co., Inc.  
**Inspection Site:** 390 Argonne Road, Warsaw, IN 46580-3884

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

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

29 CFR 1910.134(c)(1): The employer had not established and implemented a written respiratory protection program with worksite-specific procedures where respirators were necessary to protect the health of the employee or whenever respirators were required by the employer:

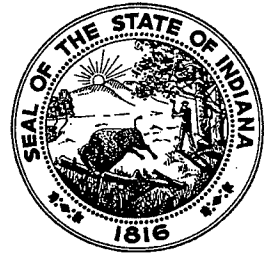
Powder Mix/Hand Cleaners Area - Powder Mix employee wore a Moldex 2200N95 filtering face piece when the correct respirator was either a supplied-air respirator (SAR) or a self-contained breathing apparatus (SCBA) when an overexposure to silica quartz (cristobalite) was documented in the following instances:

- a) Hand Cleaners - Employee was exposed to silica quartz (cristobalite), total dust, at 8.02 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 23.1 times the adjusted Permissible Exposure Limit (PEL) of 0.347 mg/m<sup>3</sup> based on a sample containing 42.2% cristobalite. The exposure was derived from a 463 minute sampling period on October 26, 2010. Zero exposure was assumed during the 17 minutes not sampled.
- b) Hand Cleaners - Employee was exposed to silica quartz (cristobalite), respirable, at 0.630 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 4.4 times the adjusted Permissible Exposure Limit (PEL) of 0.142 mg/m<sup>3</sup> based on a sample containing 34.2% cristobalite. The exposure was derived from a from a 467 minute sampling period on November 4, 2010. Zero exposure was assumed for the 13 minutes not sampled.

**Date By Which Violation Must be Abated:** **01/28/2011**  
**Proposed Penalty:** **\$3,500.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 314362369  
**Inspection Dates:** 10/13/2010 - 11/18/2010  
**Issuance Date:** 01/03/2011



**Safety Order and Notification of Penalty**

**Company Name:** Warsaw Chemical Co., Inc.  
**Inspection Site:** 390 Argonne Road, Warsaw, IN 46580-3884

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

29 CFR 1910.134(d)(1)(i): The employer did not select and provide an appropriate respirator based on the respiratory hazard(s) to which the worker was exposed and workplace and user factors that affected respirator performance and reliability:

Powder Mix/Hand Cleaners Area - Powder Mix employee wore a Moldex 2200N95 filtering face piece when the correct respirator was either a supplied-air respirator (SAR) or a self-contained breathing apparatus (SCBA) when an overexposure to silica quartz (cristobalite) was documented in the following instances:

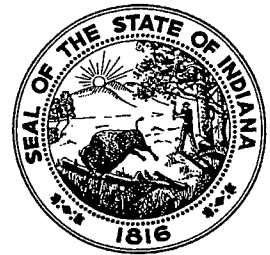
- a) Hand Cleaners - Employee was exposed to silica quartz (cristobalite), total dust, at 8.02 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 23.1 times the adjusted Permissible Exposure Limit (PEL) of 0.347 mg/m<sup>3</sup> based on a sample containing 42.2% cristobalite. The exposure was derived from a 463 minute sampling period on October 26, 2010. Zero exposure was assumed during the 17 minutes not sampled.
- b) Hand Cleaners - Employee was exposed to silica quartz (cristobalite), respirable, at 0.630 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 4.4 times the adjusted Permissible Exposure Limit (PEL) of 0.142 mg/m<sup>3</sup> based on a sample containing 34.2% cristobalite. The exposure was derived from a from a 467 minute sampling period on November 4, 2010. Zero exposure was assumed for the 13 minutes not sampled.

**Date By Which Violation Must be Abated: 01/28/2011**

# Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 314362369  
Inspection Dates: 10/13/2010 - 11/18/2010  
Issuance Date: 01/03/2011



## Safety Order and Notification of Penalty

Company Name: Warsaw Chemical Co., Inc.  
Inspection Site: 390 Argonne Road, Warsaw, IN 46580-3884

### Safety Order 1 Item 2c 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 and include a reasonable estimate of employee exposures to respiratory hazard(s) and an identification of the contaminant's chemical state and physical form:

Powder Mix/Hand Cleaners Area - Powder Mix employee wore a Moldex 2200N95 filtering face piece when the correct respirator was either a supplied-air respirator (SAR) or a self-contained breathing apparatus (SCBA) when an overexposure to silica quartz (cristobalite) was documented in the following instances:

- a) Hand Cleaners - Employee was exposed to silica quartz (cristobalite), total dust, at 8.02 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 23.1 times the adjusted Permissible Exposure Limit (PEL) of 0.347 mg/m<sup>3</sup> based on a sample containing 42.2% cristobalite. The exposure was derived from a 463 minute sampling period on October 26, 2010. Zero exposure was assumed during the 17 minutes not sampled.
- b) Hand Cleaners - Employee was exposed to silica quartz (cristobalite), respirable, at 0.630 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 4.4 times the adjusted Permissible Exposure Limit (PEL) of 0.142 mg/m<sup>3</sup> based on a sample containing 34.2% cristobalite. The exposure was derived from a from a 467 minute sampling period on November 4, 2010. Zero exposure was assumed for the 13 minutes not sampled.

**Date By Which Violation Must be Abated:**

**01/28/2011**

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 314362369  
**Inspection Dates:** 10/13/2010 - 11/18/2010  
**Issuance Date:** 01/03/2011



**Safety Order and Notification of Penalty**

**Company Name:** Warsaw Chemical Co., Inc.  
**Inspection Site:** 390 Argonne Road, Warsaw, IN 46580-3884

**Safety Order 1 Item 2d 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 a respirator in the workplace:

Powder Mix/Hand Cleaners Area - Powder Mix employee wore a Moldex 2200N95 filtering face piece when the correct respirator was either a supplied-air respirator (SAR) or a self-contained breathing apparatus (SCBA) when an overexposure to silica quartz (cristobalite) was documented in the following instances:

- a) Hand Cleaners - Employee was exposed to silica quartz (cristobalite), total dust, at 8.02 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 23.1 times the adjusted Permissible Exposure Limit (PEL) of 0.347 mg/m<sup>3</sup> based on a sample containing 42.2% cristobalite. The exposure was derived from a 463 minute sampling period on October 26, 2010. Zero exposure was assumed during the 17 minutes not sampled.
- b) Hand Cleaners - Employee was exposed to silica quartz (cristobalite), respirable, at 0.630 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 4.4 times the adjusted Permissible Exposure Limit (PEL) of 0.142 mg/m<sup>3</sup> based on a sample containing 34.2% cristobalite. The exposure was derived from a from a 467 minute sampling period on November 4, 2010. Zero exposure was assumed for the 13 minutes not sampled.

**Date By Which Violation Must be Abated: 01/28/2011**

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 314362369  
**Inspection Dates:** 10/13/2010 - 11/18/2010  
**Issuance Date:** 01/03/2011



**Safety Order and Notification of Penalty**

**Company Name:** Warsaw Chemical Co., Inc.  
**Inspection Site:** 390 Argonne Road, Warsaw, IN 46580-3884

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

29 CFR 1910.134(f)(1): The employer had not ensured that employees who used a tight-fitting facepiece respirator passed an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT) as stated in this paragraph:

Powder Mix/Hand Cleaners Area - Powder Mix employee wore a Moldex 2200N95 filtering face piece when the correct respirator was either a supplied-air respirator (SAR) or a self-contained breathing apparatus (SCBA) when an overexposure to silica quartz (cristobalite) was documented in the following instances:

- a) Hand Cleaners - Employee was exposed to silica quartz (cristobalite), total dust, at 8.02 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 23.1 times the adjusted Permissible Exposure Limit (PEL) of 0.347 mg/m<sup>3</sup> based on a sample containing 42.2% cristobalite. The exposure was derived from a 463 minute sampling period on October 26, 2010. Zero exposure was assumed during the 17 minutes not sampled.
- b) Hand Cleaners - Employee was exposed to silica quartz (cristobalite), respirable, at 0.630 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 4.4 times the adjusted Permissible Exposure Limit (PEL) of 0.142 mg/m<sup>3</sup> based on a sample containing 34.2% cristobalite. The exposure was derived from a from a 467 minute sampling period on November 4, 2010. Zero exposure was assumed for the 13 minutes not sampled.

**Date By Which Violation Must be Abated: 01/28/2011**

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 314362369  
**Inspection Dates:** 10/13/2010 - 11/18/2010  
**Issuance Date:** 01/03/2011



**Safety Order and Notification of Penalty**

**Company Name:** Warsaw Chemical Co., Inc.  
**Inspection Site:** 390 Argonne Road, Warsaw, IN 46580-3884

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

29 CFR 1910.134(k)(1): The employer did not provide effective training to employees who were required to use respirators. The training must be comprehensive, understandable, and recur annually, and more often if necessary. The employer did not ensure each employee could demonstrate knowledge of at least the following items (i) through (vii) of this paragraph:

Powder Mix/Hand Cleaners Area - Powder Mix employee wore a Moldex 2200N95 filtering face piece when the correct respirator was either a supplied-air respirator (SAR) or a self-contained breathing apparatus (SCBA) when an overexposure to silica quartz (cristobalite) was documented in the following instances:

- a) Hand Cleaners - Employee was exposed to silica quartz (cristobalite), total dust, at 8.02 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 23.1 times the adjusted Permissible Exposure Limit (PEL) of 0.347 mg/m<sup>3</sup> based on a sample containing 42.2% cristobalite. The exposure was derived from a 463 minute sampling period on October 26, 2010. Zero exposure was assumed during the 17 minutes not sampled.
- b) Hand Cleaners - Employee was exposed to silica quartz (cristobalite), respirable, at 0.630 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 4.4 times the adjusted Permissible Exposure Limit (PEL) of 0.142 mg/m<sup>3</sup> based on a sample containing 34.2% cristobalite. The exposure was derived from a from a 467 minute sampling period on November 4, 2010. Zero exposure was assumed for the 13 minutes not sampled.

**Date By Which Violation Must be Abated:**

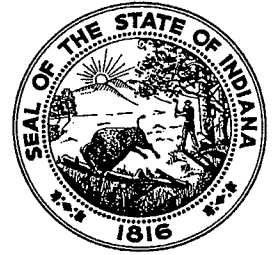
**01/28/2011**



**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 314362369  
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**Safety Order and Notification of Penalty**

**Company Name:** Warsaw Chemical Co., Inc.  
**Inspection Site:** 390 Argonne Road, Warsaw, IN 46580-3884

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

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

29 CFR 1910.219(d)(1): Pulley(s) with part(s) seven feet or less from the floor or work platform were not guarded in accordance with the requirements specified at 29 CFR 1910.219(m) & (o):

Liquid Mix Packaging Area - Employee operated the Hand Cleaner Gallon Filler and was exposed to two unguarded pulleys and in-running nip points at approximately sixty-seven inches off the floor.

**Date By Which Violation Must be Abated:** 01/28/2011  
**Proposed Penalty:** \$1,050.00

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

29 CFR 1910.219(e)(3)(i): Vertical or inclined belt(s) were not enclosed by guard(s) conforming to the requirements specified at 29 CFR 1910.219(m) and (o):

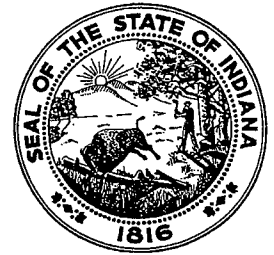
Liquid Mix Packaging Area - Employee operated the Hand Cleaner Gallon Filler and was exposed to two unguarded inclined belts exposing employee to in-running nip points at approximately sixty-seven inches off the floor.

**Date By Which Violation Must be Abated:** 01/28/2011

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 314362369  
**Inspection Dates:** 10/13/2010 - 11/18/2010  
**Issuance Date:** 01/03/2011



**Safety Order and Notification of Penalty**

**Company Name:** Warsaw Chemical Co., Inc.  
**Inspection Site:** 390 Argonne Road, Warsaw, IN 46580-3884

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

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

29 CFR 1910.1000(c): Employees were exposed to silica quartz (cristobalite), total dust, listed in Table Z-3, in excess of 0.347 mg/m<sup>3</sup> as an adjusted 8-hour Time-Weighted Average concentration:

Powder Mix/Hand Cleaners Area - Employee was exposed to silica quartz (cristobalite), total dust, at 8.02 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 23.1 times the adjusted Permissible Exposure Limit (PEL) of 0.347 mg/m<sup>3</sup> based on a sample containing 42.2% cristobalite. The exposure was derived from a 463 minute sampling period on October 26, 2010. Zero exposure was assumed during the 17 minutes not sampled.

**Date By Which Violation Must be Abated:** 01/28/2011  
**Proposed Penalty:** \$3,500.00

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

29 CFR 1910.1000(c): Employees were exposed to silica quartz (cristobalite), respirable, listed in Table Z-3, in excess of 0.142 mg/m<sup>3</sup> as an adjusted 8-hour Time-Weighted Average (TWA) concentration:

Powder Mix/Hand Cleaners Area - Employee was exposed to silica quartz (cristobalite), respirable, at 0.630 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 4.4 times the adjusted Permissible Exposure Limit (PEL) of 0.142 mg/m<sup>3</sup> based on a sample containing 34.2% cristobalite. The exposure was derived from a from a 467 minute sampling period on November 4, 2010. Zero exposure was assumed for the 13 minutes not sampled.

**Date By Which Violation Must be Abated:** 01/28/2011

# Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 314362369  
Inspection Dates: 10/13/2010 - 11/18/2010  
Issuance Date: 01/03/2011



## Safety Order and Notification of Penalty

Company Name: Warsaw Chemical Co., Inc.  
Inspection Site: 390 Argonne Road, Warsaw, IN 46580-3884

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

29 CFR 1910.1000(e): Feasible administrative or engineering controls were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

- a) Powder Mix/Hand Cleaners Area - Employee was exposed to silica quartz (cristobalite), total dust, at 8.02 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 23.1 times the adjusted Permissible Exposure Limit (PEL) of 0.347 mg/m<sup>3</sup> based on a sample containing 42.2% cristobalite. The exposure was derived from a 463 minute sampling period on October 26, 2010. Zero exposure was assumed during the 17 minutes not sampled.
- b) Powder Mix/Hand Cleaners Area - Employee was exposed to silica quartz (cristobalite), respirable, at 0.630 mg/m<sup>3</sup> for an 8-hour time-weighted average (TWA); approximately 4.4 times the adjusted Permissible Exposure Limit (PEL) of 0.142 mg/m<sup>3</sup> based on a sample containing 34.2% cristobalite. The exposure was derived from a from a 467 minute sampling period on November 4, 2010. Zero exposure was assumed for the 13 minutes not sampled.

### Abatement Schedule

**STEP 1-** Effective respiratory protection shall be provided to and used by exposed employees as an interim measure until feasible engineering and/or administrative controls can be implemented or whenever such controls fail to reduce employee exposure to within permissible exposure limits.

**Date By Which STEP 1 Must be Abated**

**01/28/11**

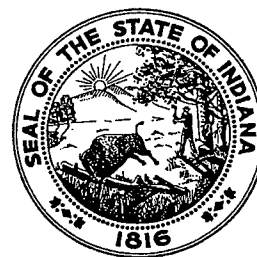
**STEP 2-** A written detailed plan of abatement shall be submitted to the Director outlining a schedule for the implementation of engineering and/or administrative measures to control employee exposures to hazardous substances as referenced in this Safety Order. This plan shall include, at a minimum, target dates for the following actions which must be consistent with the abatement dates required by this Safety Order:

- (1) Evaluation of engineering/administrative control options;
- (2) Selection of optimum control methods and completion of design;
- (3) Procurement, installation and operation of selected control measures;
- (4) Testing and acceptance or modification/redesign of controls.

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 314362369  
**Inspection Dates:** 10/13/2010 - 11/18/2010  
**Issuance Date:** 01/03/2011



**Safety Order and Notification of Penalty**

**Company Name:** Warsaw Chemical Co., Inc.  
**Inspection Site:** 390 Argonne Road, Warsaw, IN 46580-3884

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All proposed control measures shall be approved for each particular use by a competent industrial hygienist or other technically qualified person. 30-day progress reports are required during the abatement period.

**Date By Which STEP 2 Must be Abated** **02/18/11**

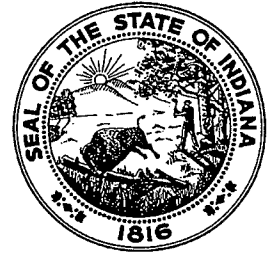
**STEP 3-** Abatement shall have been completed by the implementation of feasible engineering and/or administrative controls upon verification of their effectiveness in achieving compliance.

**Date By Which Violation Must be Abated:** **05/14/2011**

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 314362369  
**Inspection Dates:** 10/13/2010 - 11/18/2010  
**Issuance Date:** 01/03/2011



**Safety Order and Notification of Penalty**

**Company Name:** Warsaw Chemical Co., Inc.  
**Inspection Site:** 390 Argonne Road, Warsaw, IN 46580-3884

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

29 CFR 1910.1200(h)(1): The employer did not provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new physical or health hazard the employees had not previously been trained about was introduced into their work area:

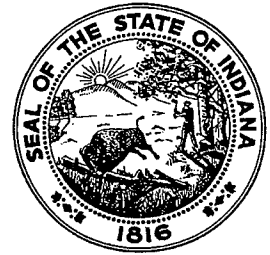
Powder Mix/Hand Cleaners Area - Employees such as, but not limited to Powder Mix laborers, were exposed to and handled chemicals such as, but not limited to Celatom, NTA Powder, and Carbopol.

**Date By Which Violation Must be Abated:** 01/28/2011  
**Proposed Penalty:** \$3,500.00

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 314362369  
**Inspection Dates:** 10/13/2010 - 11/18/2010  
**Issuance Date:** 01/03/2011



**Safety Order and Notification of Penalty**

**Company Name:** Warsaw Chemical Co., Inc.  
**Inspection Site:** 390 Argonne Road, Warsaw, IN 46580-3884

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in activities covered by this section:

Facility-wide - Maintenance employee(s) serviced equipment, such as but not limited to a six-head gallon filler and cone mixers.


**Date By Which Violation Must be Abated:** 01/28/2011  
**Proposed Penalty:** \$ .00

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct an annual or more frequent inspection of the energy control procedure to ensure that the procedure and requirements of this standard were followed:

Facility-wide - Maintenance employee(s) serviced equipment, such as but not limited to a six-head gallon filler and cone mixers.

**Date By Which Violation Must be Abated:** 01/28/2011  
**Proposed Penalty:** \$ .00

  
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Robert A. Kattau  
Director, Industrial Compliance

**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

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**Company Name:** Warsaw Chemical Co., Inc.  
**Inspection Site:** 390 Argonne Road, Warsaw, IN 46580-3884  
**Issuance Date:** 01/03/2011

<b>Summary of Penalties for Inspection Number</b>		314362369
Safety Order 01, Serious	=	\$12,600.00
Safety Order 02, Nonserious	=	\$0.00
Total Proposed Penalties		\$12,600.00

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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).

  
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Robert A. Kattau  
Director, Industrial Compliance

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Date 1-3-11