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 0197 7-21-10 JB

Safety Order and Notification of Penalty

To:

Harbor Graphics,
and its successors
2145 East US Highway 40
Brazil, IN 47834

Inspection Site:

2145 East US Highway 40
Brazil, IN 47834

Inspection Number: 314322751

Inspection Date(s): 05/13/2010 - 05/20/2010

Issuance Date: 07/21/2010

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 07/21/2010. 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.

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 1a 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 fall hazards from scaffold planks elevated by step ladders that were in poor condition:

a) Shop - Fiberglass stepladders had loose and/or damaged hardware such as missing spreader bars, missing 'feet', loose and/or missing screws, etc. Employees were using the stepladders as supports in a temporary work platform system as the workers applied decals to the sides of large semi trailers.

b) Shop - Fiberglass stepladders were burned and scorched from hand-held propane torches. Employees used those torches during the decal application process. The stepladders were being used as supports in a temporary work platform system as the workers applied decals to the sides of large semi trailers.

ABATEMENT NOTE: Among other methods, feasible means of abatement may include repairing or discarding damaged ladders and implementing a daily, pre-use inspection program as per the manufacturer's recommendations.

Date By Which Violation Must be Abated: 08/16/2010
Proposed Penalty: $3,150.00

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

29 CFR 1910.28(a)(7): Scaffolds were loaded in excess of the working load for which they were intended:

Shop - Three employees (weighing a combined total of 570 lbs.) were standing on scaffold planks that were only rated for 500 lbs. The step-ladders used to support those planks were rated for 600 lbs. The combined weight of those employees and the scaffold plank (a total of approximately 618 lbs.) was above the rated capacity of the step-ladders. Employees used this temporary work platform system to gain access to the sides of large semi trailers when they applied decals to those trailers.

Date By Which Violation Must be Abated: 08/16/2010

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

29 CFR 1910.28(a)(11): All planking or platforms were not secured from movement:

Shop - There were no cleats or hooks on the end of scaffold planks. These planks were being used by employees as part of a temporary work platform system to gain access to the sides of large semi trailers when they applied decals to those trailers. The planks did not run all the way through both sides the step ladders that were being used as supports.

Date By Which Violation Must be Abated: 08/16/2010

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

29 CFR 1910.28(a)(13): Scaffold planks did not extend not less than 6 inches nor more than 18 inches over their end supports:

Shop - Scaffold planks extended only 2-3" past the steps of the ladders used as a support. The planks were not run through both sides of the step-ladder and instead were resting only one step. Employees were using the scaffold planks and stepladders as part of a temporary work platform system to gain access to the sides of large semi trailers as they applied decals.

Date By Which Violation Must be Abated: 08/16/2010

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 314322751

Inspection Dates: 05/13/2010 - 05/20/2010

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Safety Order and Notification of Penalty

Company Name: Harbor Graphics

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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 1910.36(d)(1): Employees were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

a) Shop - The "Exit" door adjacent to Bay 1 was locked. Routine work performed by employees in this shop included, but was not limited to, use of isopropyl alcohol to clean sidewalls of semi trailers and use of hand-held propane torches during the decal application process.

b) Shop - The "Exit" door between Bays 5 and 6 was locked. Routine work performed by employees in this shop included, but was not limited to, use of isopropyl alcohol to clean sidewalls of semi trailers and use of hand-held propane torches during the decal application process.

c) Shop - The "Exit" door adjacent to Bay 7 was locked. Routine work performed by employees in this shop included, but was not limited to, use of isopropyl alcohol to clean sidewalls of semi trailers and use of hand-held propane torches during the decal application process.

Date By Which Violation Must be Abated:	**08/16/2010**
Proposed Penalty:	**$2,250.00**

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

29 CFR 1910.37(a)(3): Exit routes were not free and unobstructed:

Shop - The "Exit" door adjacent to Bay 7 was blocked with items such as but not limited to an extension ladder, a two wheeled cart, a fire extinguisher and containers of chemicals. Routine work performed by employees in this shop included, but was not limited to, use of isopropyl alcohol to clean sidewalls of semi trailers and use of hand-held propane torches during the decal application process.

Date By Which Violation Must be Abated:	**08/16/2010**

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

29 CFR 1910.37(a)(4): Safeguards designed to protect employees during an emergency were not in proper working order at all times:

a) Shop - The emergency lights above the "Exit" door adjacent to Bay 1 were not working and did not light up when tested. Routine work performed by employees in this shop included, but was not limited to, use of isopropyl alcohol to clean sidewalls of semi trailers and use of hand-held propane torches during the decal application process.

b) Shop - The emergency lights above the "Exit" door between Bays 5 and 6 were not working and did not light up when tested. Routine work performed by employees in this shop included, but was not limited to, use of isopropyl alcohol to clean sidewalls of semi trailers and use of hand-held propane torches during the decal application process.

Date By Which Violation Must be Abated: 08/16/2010

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

29 CFR 1910.37(b)(6): Exit signs were not illuminated to a surface value of a least five foot candles (54 lux) by a reliable light source:

a) Shop - The sign above the "Exit" door adjacent to Bay 1 was not illuminated. Routine work performed by employees in this shop included, but was not limited to, use of isopropyl alcohol to clean sidewalls of semi trailers and use of hand-held propane torches during the decal application process.

b) Shop - The sign above the "Exit" door between Bays 5 and 6 was not illuminated. Routine work performed by employees in this shop included, but was not limited to, use of isopropyl alcohol to clean sidewalls of semi trailers and use of hand-held propane torches during the decal application process.

c) Shop - The sign above the "Exit" door adjacent to Bay 7 was not illuminated. Routine work performed by employees in this shop included, but was not limited to, use of isopropyl alcohol to clean sidewalls of semi trailers and use of hand-held propane torches during the decal application process.

d) Shop - The sign above the "Exit" door in the break room was not illuminated. Routine work performed by employees in this shop included, but was not limited to, use of isopropyl alcohol to clean sidewalls of semi trailers and use of hand-held propane torches during the decal application process.

Date By Which Violation Must be Abated: 08/16/2010

Safety Order and Notification of Penalty

Company Name: Harbor Graphics

Inspection Site: 2145 East US Highway 40, Brazil, IN 47834

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

29 CFR 1910.110(b)(8)(ix): All piping, tubing, or hose was not tested after assembly and proven free from leaks at not less than normal operating pressures:

OR, IN THE ALTERNATIVE:

29 CFR 1910.110(c)(5)(i)(i): Containers, regulating equipment, manifolds, pipe, tubing, and hose was not located so as to minimize exposure to physical damage:

Facility - The hoses connecting hand-held torches to portable LP-tanks were damaged and were leaking gas. Employees used those torches to warm and dry the sidewalls of semi trailers as part of the decal application process.

Date By Which Violation Must be Abated:	**08/16/2010**
Proposed Penalty:	**$1,350.00**

Safety Order and Notification of Penalty

Company Name: Harbor Graphics

Inspection Site: 2145 East US Highway 40, Brazil, IN 47834

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

Shop - Personal fall arrest systems (anchor point, body harness, with retractable lanyard or other connector) were not used when employees stood upon temporary work platforms to apply decals to the sidewalls of large semi trailers.

Date By Which Violation Must be Abated: 08/16/2010
Proposed Penalty: $2,250.00

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

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

Shop - No hazard assessment for purposes of selecting personal protective equipment was performed in the workplace where employees performed tasks such as building and using temporary work platforms and using sharp hand tools such as pin pokers and knives.

Date By Which Violation Must be Abated: 08/16/2010

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

29 CFR 1910.138(a): The employer did not select and require employees to use appropriate hand protection when employee's hands were exposed to hazards such as those from severe cuts or lacerations:

Shop - Cut resistant (e.g., leather) gloves and sleeves were not worn when employees used sharp hand tools such as pin pokers and knives. These tools were used on a frequent and routine basis during the decal application process.

Date By Which Violation Must be Abated: 08/16/2010

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

29 CFR 1910.212(a)(5): Fan blade guards, where the periphery of the blades was less than seven feet above the floor or working level, had openings larger than one half inch:

Shop - A piece of the guard was broken and missing from a large (30") metal pedestal fan, which created an opening of 1" in that guard. Employees used the portable fan to cool and dry decals as part of the decal application process.

Date By Which Violation Must be Abated:	**08/16/2010**
Proposed Penalty:	**$1,800.00**

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

29 CFR 1910.303(b)(1): Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

a) Shop - The "Stop" button on the overhead door in Bay 1 did not work when pushed. The door continued to the end of the cycle and did not respond to the "Stop" button. Employees used the overhead doors to move semi trailers into and out of the shop.

b) Shop - The "Stop" button on the overhead door in Bay 2 did not work when pushed. The door continued to the end of the cycle and did not respond to the "Stop" button. Employees used the overhead doors to move semi trailers into and out of the shop.

c) Shop - The "Stop" button on the overhead door in Bay 3 did not work when pushed. The door continued to the end of the cycle and did not respond to the "Stop" button. Employees used the overhead doors to move semi trailers into and out of the shop.

d) Shop - The "Stop" button on the overhead door in Bay 4 did not work when pushed. The door continued to the end of the cycle and did not respond to the "Stop" button. Employees used the overhead doors to move semi trailers into and out of the shop.

e) Shop - The "Stop" button on the overhead door in Bay 5 did not work when pushed. The door continued to the end of the cycle and did not respond to the "Stop" button. Employees used the overhead doors to move semi trailers into and out of the shop.

f) Shop - The "Stop" button on the overhead door in Bay 7 did not work when pushed. The door continued to the end of the cycle and did not respond to the "Stop" button. Employees used the overhead doors to move semi trailers into and out of the shop.

Date By Which Violation Must be Abated:	**08/16/2010**
Proposed Penalty:	**$1,350.00**

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

29 CFR 1910.305(b)(2): Each outlet box in completed installations did not have a cover, faceplate, or fixture canopy:

a) Shop - A duplex receptacle in the Unpack Area was missing a cover. Employees used that outlet on a routine (daily) basis outlet to plug/unplug portable power tools such as electric drills and pedestal fans. Those tools were used by employees as part of the decal application process.

b) Shop - The control box for the overhead door in Bay 4 was missing its cover. Employees used those controls on a routine (daily) basis to open/shut the overhead door when they moved trailers in and out of the shop.

Date By Which Violation Must be Abated:	**08/16/2010**
Proposed Penalty:	**$2,250.00**

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 314322751

Inspection Dates: 05/13/2010 - 05/20/2010

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Safety Order and Notification of Penalty

Company Name: Harbor Graphics

Inspection Site: 2145 East US Highway 40, Brazil, IN 47834

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

29 CFR §1904.29(b)(3): Each recordable injury or illness was not entered on the OSHA 300 Log and/or an incident report (OSHA Form 301or equivalent) within seven (7) calendar days of receiving information that a recordable injury or illness has occurred:

Shop - Lacerations to a finger, suffered by an employee on April 5, 2010, when he moved a pedestal fan with a broken guard, were not recorded on the OSHA 300 Log.

Date By Which Violation Must be Abated:	**08/16/2010**
Proposed Penalty:	**$.00**

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

29 CFR 1910.178(l): Operators were not trained in the safe operation of powered industrial trucks:

Shop - Forklift-operator training, including both classroom and hands-on evaluation of skills, was not provided to employees who used that equipment several times per week to load/unload stock.

Date By Which Violation Must be Abated:	**08/16/2010**
Proposed Penalty:	**$.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 illness or injury resulting from an accident.

Safety Order 2 Item 3a Type of Violation: **Nonserious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

Shop - There was no written hazard communication program in the workplace where employees used chemicals and/or chemical-containing products such as but not limited to isopropyl alcohol and propane during the decal application process.

Date By Which Violation Must be Abated:	**08/16/2010**
Proposed Penalty:	**$900.00**

Safety Order 2 Item 3b Type of Violation: **Nonserious**

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 were not previously trained about was introduced into their work area.

Shop - No training or other information about the hazards of the chemicals and/or chemical-containing products in use at this facility was provided to employees who used those products on a routine (daily) basis. Examples of such products included but were not limited to isopropyl alcohol and propane.

ABATEMENT NOTE: Among other methods, feasible means of abatement may include provision of employee information and training about hazard communication as per 29 CFR 1910.1200(h).

Date By Which Violation Must be Abated:	**08/16/2010**

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

Company Name: Harbor Graphics
Inspection Site: 2145 East US Highway 40, Brazil, IN 47834
Issuance Date: 07/21/2010

Summary of Penalties for Inspection Number 314322751

Safety Order 01, Serious	=	$14,400.00
Safety Order 02, Nonserious	=	$900.00
Total Proposed Penalties		$15,300.00

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).

Robert A. Kattau
Director, Industrial Compliance

7-21-10
Date