

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 5130 9979 7-14-10 JAO

Safety Order and Notification of Penalty

To:

ILPEA Industries, Inc.,
and its successors
745 South Gardner Street
Scottsburg, IN 47170

Inspection Number:

313128050

Inspection Date(s):

04/19/2010 - 06/21/2010

Issuance Date:

07/14/2010

Inspection Site:

1320 South Main Street
Scottsburg, IN 47170

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

JAO

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.

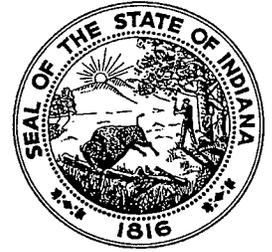
Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has 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 07/14/2010. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____.

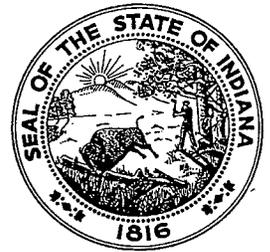
Employees and/or representatives of employees have a right to attend an informal conference.



Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313128050
Inspection Dates: 04/19/2010 - 06/21/2010
Issuance Date: 07/14/2010



Safety Order and Notification of Penalty

Company Name: ILPEA Industries, Inc.
Inspection Site: 1320 South Main Street, Scottsburg, IN 47170

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 injuries such as, but not limited to death, compound fractures, broken bones and severe lacerations due to falling from a elevated work platform caused by an unstable working surface:

Blending Department - Blender Technicians used Toyota Model 5FGC15 LPG Forklifts to raise and place pallets onto the platform located on the right side of Blender #1. After the pallets were placed on the platform, Blender Technicians stepped onto the platform and manually pushed the pallets towards Blender #1. The floor of the platform located on the right side of Blender #1 was equipped with rollers, and Blender Technicians had to stand on top of these rollers in order to push the pallets towards Blender #1. Due to the instability created by the rollers' configuration and movement, standing on top of them represents a potential slip and fall hazard. If Blender Technicians were to loose their balance and fall backwards, they would fall off of the platform and onto the floor, which was located approximately 147.0-inches (12.25 feet) below the platform.

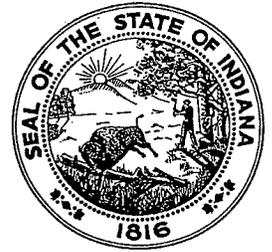
Among other methods, one feasible and acceptable method to correct this hazard is to remove the rollers from the platform located on the right side of Blender #1 and replace them with a flat, durable and non-slick working surface.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/09/2010
\$4,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313128050
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06/21/2010
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Safety Order and Notification of Penalty

Company Name: ILPEA Industries, Inc.
Inspection Site: 1320 South Main Street, Scottsburg, IN 47170

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

29 CFR 1910.23(c)(1): Open sided floor(s) or platform(s) 4 feet or more above the adjacent floor or ground level were not guarded by standard railings (or the equivalent as specified in 29 CFR 1910.23(e)(3)(i) through (v)), on all open sides:

a) Blending Department - Blending Technicians retrieved and carried plastic totes filled with powered colors which were located on a platform that was attached to the left side of Blender #1. The front side of this platform, which was located approximately 177.0-inches (14.75 feet) above the ground, was completely open and was not guarded with standard railings or other means.

b) Blending Department - Blending Technicians retrieved and carried plastic totes filled with powered colors which were located on a platform that was attached to the right side of Blender #1. The front side of this platform, which was located approximately 147.0-inches (12.25 feet) above the ground, was completely open and was not guarded with standard railings or other means.

Date By Which Violation Must be Abated:



Indiana Department of Labor

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Safety Order and Notification of Penalty

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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 1910.22(a)(1): Place(s) of employment were not kept clean and orderly, or in a sanitary condition:
Facility Wide - Accumulations of between approximately 0.50-inches to 8.0-inches of plastic dust and/or powder had settled on surfaces such as, but not limited to pipes, I-beams and buss bars located near the ceiling, the top of the booth in the Color Weighing Area, and surfaces on and beneath Blender #1.

Date By Which Violation Must be Abated: **08/09/2010**
Proposed Penalty: **\$1,875.00**

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

29 CFR 1910.22(a)(2): The floor of every workroom was not maintained in a clean and, so far as possible, a dry condition:

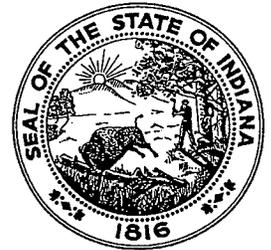
Facility Wide - Accumulations of between approximately 0.25-inches to 6.0-inches of plastic dust and/or powder had settled on the floor in areas such as, but not limited to the Color Weighing Area, underneath Blender #1, and underneath the IAP Dust Collector.

Date By Which Violation Must be Abated: **08/09/2010**

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313128050
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Safety Order and Notification of Penalty

Company Name: ILPEA Industries, Inc.
Inspection Site: 1320 South Main Street, Scottsburg, IN 47170

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 1910.133(a)(1): The employer did not assure that each affected employee used appropriate eye or face equipment when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

Color Weighing Area - Blender Technicians who mixed and/or worked with corrosive chemicals such as, but not limited to Micropel 5 PVC were not required and did not wear dust-tight goggles.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$4,500.00**

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

29 CFR 1910.138(a): The employer did not select and require employees to use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes:

Color Weighing Area - Blender Technicians who mixed and/or worked with corrosive chemicals such as, but not limited to Micropel 5 PVC were not required and did not wear nitrile or neoprene gloves.

Date By Which Violation Must be Abated:

Safety Order 1 Item 3c 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:

Color Weighing Area - There was no emergency eyewash and shower located near where Blender Technicians mixed and/or worked with corrosive chemicals such as, but not limited to Micropel 5 PVC. The closest emergency eyewash to the Color Weighing Area was located inside of the Boiler Room, which was approximately 85.25 feet away from the Color Weighing Area.

Date By Which Violation Must be Abated: **08/09/2010**

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313128050
Inspection Dates: 04/19/2010 - 06/21/2010
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Safety Order and Notification of Penalty

Company Name: ILPEA Industries, Inc.
Inspection Site: 1320 South Main Street, Scottsburg, IN 47170

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 1910.147(c)(7)(iii)(B): Additional retraining was not provided whenever a periodic inspection under 29 CFR 1910.147(c)(6) revealed that there were deviations from or inadequacies in the employee's knowledge or use of the energy control procedures:

Facility Wide - Prior to performing maintenance and servicing operations, maintenance employees who worked on machinery such as, but not limited to the Mag Extruders turned the electrical switches on the machinery and/or at the source to the off position. Although the electrical switches on the machinery and/or at the source were turned off, at no time prior to or during the maintenance and servicing operations did maintenance employees apply locks to the electrical switches.

Date By Which Violation Must be Abated: 08/09/2010
Proposed Penalty: \$1,875.00

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

29 CFR 1910.147(d)(4)(i): Lockout or tagout devices were not affixed to each energy isolating device by authorized employees:

Facility Wide - Prior to performing maintenance and servicing operations, maintenance employees who worked on machinery such as, but not limited to the Mag Extruders turned the electrical switches on the machinery and/or at the source to the off position. Although the electrical switches on the machinery and/or at the source were turned off, at no time prior to or during the maintenance and servicing operations did maintenance employees apply locks to the electrical switches.

Date By Which Violation Must be Abated: 08/09/2010

Handwritten initials/signature

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313128050
Inspection Dates: 04/19/2010 - 06/21/2010
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Safety Order and Notification of Penalty

Company Name: ILPEA Industries, Inc.
Inspection Site: 1320 South Main Street, Scottsburg, IN 47170

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

29 CFR 1910.242(b): Effective chip guarding and personal protective equipment was not used when compressed air was used for cleaning purposes:

Facility Wide - Employees who used compressed air rated at approximately 18 pounds per square inch (psig) to clean dust, powder and/or debris from their clothing and body (including their face and hair) were not required and did not wear personal protective equipment (PPE) such as, but not limited to safety glasses.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/09/2010
\$1,125.00



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: ILPEA Industries, Inc.
Inspection Site: 1320 South Main Street, Scottsburg, IN 47170
Issuance Date: 07/14/2010

Summary of Penalties for Inspection Number		313128050
Safety Order 01, Serious	=	\$13,875.00
Total Proposed Penalties		\$13,875.00

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

7-14-10

Date