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 5131 6489 4-12-11 jto

Safety Order and Notification of Penalty

To:

Lucent Polymers, Inc.,
and its successors
1700 Lynch Road
Evansville, IN 47711

Inspection Site:

1700 Lynch Road
Evansville, IN 47711

Inspection Number: 314740036

Inspection Date(s): 02/08/2011 - 03/31/2011

Issuance Date: 04/12/2011

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 04/12/2011. 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.

Safety Order and Notification of Penalty

Company Name: Lucent Polymers, Inc.
Inspection Site: 1700 Lynch Road, Evansville, IN 47711

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

IC 22-8-1.1, Section 2: The employer did not establish and maintain conditions of work which were reasonably safe and healthful for employees, and free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to potential fire and/or deflagration (explosion) hazards because methods were not utilized to contain combustible dusts such as, but not limited to wood dust from becoming airborne and combining with an ignition source:

a) Extruding Department - Significant airborne concentrations of plastic dust were generated and dispersed by machinery and equipment such as, but not limited to open feed hoppers, unenclosed horizontal conveyor systems and open feed chutes/funnels located on each of the six extruders. The plastic dust, a Class II Group G combustible dust, was allowed to accumulate on the floor and other surfaces (pipes, beams, ledges, equipment, etc.), and none of the plastic dust was conveyed to a dust collector.

Among other methods, one feasible and acceptable method to correct this hazard is to install a local exhaust ventilation (LEV) system that will exhaust and transport the suspended and dispersed plastic dust located inside of the Extruding Department to a dust collector(s) that is protected in accordance with Section 7.1.2 of the National Fire Protection Association's (NFPA) *Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids* (NFPA 654-2006). Section 7.1.2.1 of NFPA 654-2006 states that the design of explosion protection for equipment shall incorporate one or more of the following methods of protection:

(1) Oxidant concentration reduction in accordance with NFPA 69, *Standard on Explosion Prevention Systems*
(2) Deflagration venting
(3) Deflagration pressure containment in accordance with NFPA 69, *Standard on Explosion Prevention Systems*
(4) Deflagration suppression systems in accordance with NFPA 69, *Standard on Explosion Prevention Systems*
(5) Dilution with a noncombustible dust to render the mixture noncombustible (See 7.1.2.2)
(6) Deflagration venting through a listed dust retention and flame-arresting device

b) Blending Department - Significant airborne concentrations of plastic dust were generated and dispersed by machinery and equipment such as, but not limited to open feed bins and open feed chutes located on each of the blenders. The plastic dust, a Class II Group G combustible dust, was allowed to accumulate on the floor and other surfaces (pipes, beams, ledges, equipment, etc.), and none of the plastic dust was conveyed to a dust collector.

Among other methods, one feasible and acceptable method to correct this hazard is to install a LEV system that will exhaust and transport the suspended and dispersed plastic dust located inside of the Blending Department to a dust collector(s) that is protected in accordance with Section 7.1.2 of the National Fire Protection Association's

(NFPA) *Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids* (NFPA 654-2006). Section 7.1.2.1 of NFPA 654-2006 states that "the design of explosion protection for equipment shall incorporate one or more of the following methods of protection:

(1) Oxidant concentration reduction in accordance with NFPA 69, *Standard on Explosion Prevention Systems*

(2) Deflagration venting

(3) Deflagration pressure containment in accordance with NFPA 69, *Standard on Explosion Prevention Systems*

(4) Deflagration suppression systems in accordance with NFPA 69, *Standard on Explosion Prevention Systems*

(5) Dilution with a noncombustible dust to render the mixture noncombustible (See 7.1.2.2)

(6) Deflagration venting through a listed dust retention and flame-arresting device"

c) Extruding Department - Plastic dust, a Class II Group G combustible dust, was continuously moved/transferred from the bottom of the feed hopper, through a screw conveyor (auger) and dumped into the top of the extruder on Extruding Line 5. The screw conveyor was not equipped with explosion protection or isolated to prevent deflagration propagation between the feed hopper and the extruder. If a fire or deflagration (explosion) occurred inside of the screw conveyor, the pressure wave and resulting flame front could potentially propagate into the feed hopper and/or extruder and potentially ignite any settled or moving dust inside of the equipment, which could potentially lead to secondary deflagrations and/or explosions.

Among other methods, one feasible and acceptable method to correct this hazard is to install mechanical or chemical isolation devices on the Extruding Line 5 screw conveyor (auger) which meets the requirements listed in Section 7.1.4.2 of NFPA's *Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids* (NFPA 654-2006). Section 7.1.4.2 of NFPA 654-2006 states that "isolation devices shall include, but shall not be limited to the following:

- (1) Chokes
- (2) Rotary Valves
- (3) Automatic fast-acting valve systems in accordance with NFPA 69, *Standard on Explosion Prevention Systems*
- (4) Flame front diverters in accordance with NFPA 69, *Standard on Explosion Prevention Systems*
- (5) Chemical isolation systems in accordance with NFPA 69, *Standard on Explosion Prevention Systems*."

d) Extruding and Blending Departments - Employees used compressed air rated at approximately 30 psi to 90 psi to clean plastic dust, a Class II Group G combustible dust, off of machinery and/or surfaces located throughout the Extruding and Blending Departments. The use of compressed air for cleaning and/or removing plastic dust could cause significant amounts of combustible dust to be suspended in air, which could potentially lead to fires and/or

deflagrations (explosions).

Among other methods, one feasible and acceptable method to correct this hazard is to develop and implement a written procedure for using compressed air to clean plastic dust off of machinery and/or surfaces. This procedure should follow Section 8.2.2.2 of NFPA's *Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids* (NFPA 654-2006). Section 8.2.2.2 of NFPA 654-2006 states that "vigorous sweeping or blowing down with steam or compressed air produces dust clouds and shall be permitted only where the following requirements are met:

(1) Area and equipment shall be vacuumed prior to blowdown.
(2) Electrical equipment not suitable for Class II locations and other sources of ignition shall be shut down or removed from the area.
(3) Only low-pressure steam or compressed air, not exceeding a gauge pressure of 15 psi (103 kPa), shall be used.
(4) No hot surfaces or flames capable of igniting a dust cloud or layer shall exist in the area."

e) Facility Wide - The employer's Emergency Action Plan (EAP) and Fire Prevention Plan (FPP) did not adequately address the potential fire and deflagration (explosion) hazards associated with plastic dust, a Class II Group G combustible dust. The employer's EAP did not specifically address or discuss what to do in the event of a fire, and none of the emergency exits located throughout the facility were marked or identified on the facility's emergency evacuation map. The employer's FPP did not list or discuss plastic dust/powder or combustible dust, sources of ignition such as, but not limited to static electricity, friction, electrical, hot work (grinding, cutting, etc.) and heat (radiant, conductive and convection), housekeeping procedures for minimizing the amount of combustible dust on floor areas and other surfaces (pipes, beams, ledges, equipment, etc.), and the type of fire protection equipment necessary to control each major hazard.

Among other methods, one feasible and acceptable method to correct this hazard is to develop and implement an EAP and FPP which meet the minimal requirements listed in 29 CFR 1910.38(c) and 29 CFR 1910.39(c) respectively.

Date By Which Violation Must be Abated: **05/06/2011**
Proposed Penalty: **$5,600.00**

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:

a) Extruding Department, Extruding Lines 1-3 - Accumulations of between approximately 0.50-inches to 4.0-inches of plastic dust, a Class II Group G combustible dust, had settled on surfaces such as, but not limited to the top of the extruders, metal ducts, metal electrical conduit running along the North and West walls, and the pipes located above Extruding Lines 1-3.

b) Blending Department, V1 Blending Area - Accumulations of between approximately 0.75-inches to 4.0-inches of plastic dust, a Class II Group G combustible dust, had settled on surfaces such as, but not limited to the pipes and I-beams located above the V1 Blender.

ABATEMENT NOTE: In order to prevent potential deflagrations or explosions (primary and secondary) from occurring, the plastic dust layers on all surfaces and floors of the facility must be cleaned at a frequency which keeps the dust layers below 1/32 of an inch (0.03125-inches) thick.

Date By Which Violation Must be Abated: **05/06/2011**
Proposed Penalty: **$5,600.00**

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:

a) Extruding Department, Extruding Lines 1-3 - Accumulations of between approximately 4.0-inches to 6.50-inches of plastic dust, a Class II Group G combustible dust, had settled on the floor area around and underneath the left and right sides of Extruding Line 2.

b) Blending Department, R1 Blending Area - Accumulations of between approximately 0.50-inches to 5.0-inches of plastic dust, a Class II Group G combustible dust, had settled on the floor area around and underneath the Ribbon 1 (R1) Blender.

ABATEMENT NOTE: In order to prevent potential deflagrations or explosions (primary and secondary) from occurring, the plastic dust layers on all surfaces and floors of the facility must be cleaned at a frequency which keeps the dust layers below 1/32 of an inch (0.03125-inches) thick.

Date By Which Violation Must be Abated: **05/06/2011**

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

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

a) Extruding Department - Employees who worked on or near Extruding Lines 1-3 and Extruding Lines 4-6 were not required to wear flame-resistant clothing (FRC) and wore uniforms which were blends of synthetics and cotton (65% polyester and 35% cotton). A potential combustible dust flash fire hazard existed inside of the Extruding Department due to the vast amounts of accumulated plastic dust, a Class II Group G combustible dust, on various surfaces and floors, as well as the significant airborne concentrations of plastic dust which were dispersed and suspended throughout the atmosphere.

b) Blending Department - Employees who worked on or near the blenders were not required to wear flame-resistant clothing (FRC) and wore uniforms which were blends of synthetics and cotton (65% polyester and 35% cotton). A potential combustible dust flash fire hazard existed inside of the Blending Department due to the vast amounts of accumulated plastic dust, a Class II Group G combustible dust, on various surfaces and floors, as well as the significant airborne concentrations of plastic dust which were dispersed and suspended throughout the atmosphere.

Date By Which Violation Must be Abated: **05/06/2011**

Proposed Penalty: **$5,600.00**

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 1910.157(c)(4): Portable fire extinguishers were not kept in their designated places when not being used:

Finished Goods Cooling Area - The portable fire extinguisher which was supposed to be mounted on a steel pillar located directly across from the dividing wall for the Extruding Department was missing. Significant airborne concentrations of plastic dust, a Class II Group G combustible dust, were dispersed and suspended throughout the atmosphere inside of and around the Extruding Department. Vast amounts of accumulated plastic dust were also present on various surfaces and floors in and around the Extruding Department.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: $5,600.00

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

29 CFR 1910.252(a)(2)(iv): Before cutting or welding was permitted, the area was not inspected by the individual responsible for authorizing cutting and welding operations and they did not designate precautions to be followed in granting authorization to proceed preferably in the form of a written permit:

Facility Wide - Employees performed hot work operations such as, but not limited to welding and oxygen-acetylene torch cutting in the Blending and Extruding Departments where vast amounts of accumulated and airborne concentrations of plastic dust, a Class II Group G combustible dust, were present. Prior to performing hot work operations in the Blending or Extruding Departments, employees did not clean or remove accumulations of plastic dust from surfaces or floor areas in and around the areas where the hot work was performed. Employees also did not fill out hot work permits, or assure that the ignition sources created by the hot work (sparks, embers, open flames, etc.) would not ignite any accumulated or dispersed combustible dust(s).

ABATEMENT NOTE: An example of a Hot Work Permit that could be used for hot work operations (welding, cutting, grinding, etc.) can be found in Figure A.5.4.1 of the National Fire Protection Association's (NFPA) *Standard for Fire Protection During Welding, Cutting, and Other Hot Work* (NFPA 51B-2009).

Date By Which Violation Must be Abated: 05/06/2011

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

29 CFR 1910.252(a)(2)(vi)(C): Cutting or welding was permitted in the presence of explosive atmospheres (mixture of flammable gases, vapors, liquids, or dusts with air), or explosive atmospheres that could develop inside uncleaned or improperly prepared tanks or equipment which had previously contained such materials, or that could develop in areas with an accumulation of combustible dusts:

Facility Wide - Employees performed hot work operations such as, but not limited to welding and oxygen-acetylene torch cutting in the Blending and Extruding Departments where vast amounts of accumulated and airborne concentrations of plastic dust, a Class II Group G combustible dust, were present. Prior to performing hot work operations in the Blending or Extruding Departments, employees did not clean or remove accumulations of plastic dust from surfaces or floor areas in and around the areas where the hot work was performed. Employees also did not fill out hot work permits, or assure that the ignition sources created by the hot work (sparks, embers, open flames, etc.) would not ignite any accumulated or dispersed combustible dust(s).

Date By Which Violation Must be Abated: 05/06/2011

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 5a Type of Violation: **Serious**

29 CFR 1910.178(c)(2)(vi)(A): Approved power operated industrial trucks designated as EX were not used in atmospheres in which combustible dust was or may have been in suspension continuously, intermittently, or periodically under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures, or where mechanical failure or abnormal operation of machinery or equipment might have caused such mixtures to be produced:

Extruding Department - Forklifts such as, but not limited to a Mitsubishi Model FGC15 Propane Forklift (F2), a Clark Model GCS15 Propane Forklift (F9), and a Yale Model 30VX Propane Forklift (F27) were used to transport and dump plastic material into the feed hoppers located above each of the extruders. Significant airborne concentrations of plastic dust, a Class II Group G combustible dust, were dispersed and suspended throughout the atmosphere of the Extruding Department. Vast amounts of plastic dust had also accumulated on various surfaces and floor areas located throughout the Extruding Department.

Date By Which Violation Must be Abated: **05/06/2011**
Proposed Penalty: **$5,600.00**

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

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

Facility Wide - Maintenance employees constructed a large portable vacuum system which consisted of parts such as, but not limited to a Novatec Model VH-10 (Serial Number 12-137-0688) Power Unit (460 Volts, 13.5 Amps), Roots Blower Model 9F (Serial Number 78179), and a Cutler Hammer Disconnect 30 Amp Safety Switch (Type 1 Enclosure). This portable vacuum system was used to clean-up plastic dust, a Class II Group G combustible dust, located on floors and surfaces in areas such as, but not limited to the Blending and Extruding Departments. However, neither the portable vacuum system nor its components were listed or rated for use in Class II hazardous locations and were not approved or designed to collect combustible dusts.

Date By Which Violation Must be Abated: **05/06/2011**

Safety Order 1 Item 5c Type of Violation: **Serious**
29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings were not effectively closed:

Extruding Department - All of the openings on an electrical box which was located above the right side of the heater head on Extruding Line 2 were not effectively closed. Two of the three pre-punched knockouts located on side of the electrical box facing the heater head were punched in and were not flush with the outside of the electrical box. The connection point where a set of electrical wires was run through the top pre-punched knockout located on the opposite side of the electrical had also come loose (i.e. unscrewed/unfastened), which completely exposed the missing pre-punched knockout and all of the electrical wires inside of the conduit. The openings on both sides of the electrical box allowed fugitive plastic dust/powder emissions generated from the various operations located on Extruding Lines 1-3 to accumulate inside of the electrical box.

Date By Which Violation Must be Abated:

Safety Order 1 Item 5d Type of Violation: **Serious**
29 CFR 1910.307(c): Equipment, wiring methods, and installations of equipment in hazardous (classified) locations were not intrinsically safe, or approved for the hazardous (classified) location, or safe for the hazardous (classified) location:

a) Facility Wide - Maintenance employees constructed a large portable vacuum system which consisted of parts such as, but not limited to a Novatec Model VH-10 (Serial Number 12-137-0688) Power Unit (460 Volts, 13.5 Amps), Roots Blower Model 9F (Serial Number 78179), and a Cutler Hammer Disconnect 30 Amp Safety Switch (Type 1 Enclosure). This portable vacuum system was used to clean-up plastic dust, a Class II Group G combustible dust, located on floors and surfaces in areas such as, but not limited to the Blending and Extruding Departments. However, neither the portable vacuum system nor its components were listed or rated for use in Class II hazardous locations and were not approved or designed to collect combustible dusts.

b) Blending and Extruding Departments - Electrical equipment, apparatus and installations such as, but not limited to electrical lighting fixtures with metal-halide bulbs, electrical switches, electrical motors, electrical outlets and electrical wiring (in and out of conduit) were not approved, rated and/or designed for a Class II, Division 1 location. Electrical equipment, apparatus and installations were exposed to plastic dust, a Class II Group G combustible dust, under normal operating conditions, and vast amounts of plastic dust had accumulated on the floor and other surfaces (ledges, machinery, equipment, etc.) located throughout the Blending and Extruding Departments.

Date By Which Violation Must be Abated: 05/06/2011

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 6a Type of Violation: **Serious**

29 CFR 1910.1200(g)(2)(iii): Each material safety data sheet (MSDS) for hazardous chemicals did not contain at least the physical hazards of the hazardous chemical, including the potential for fire, explosion, and reactivity:

a) Facility Wide - Lucent Polymers' Polycarbonate (PC) Material Safety Data Sheet (MSDS) did not contain or describe specific information about the fire and explosion hazards associated with plastic dust, a Class II Group G combustible dust.

b) Facility Wide - Lucent Polymers' PBT/PC MSDS did not contain or describe specific information about the fire and explosion hazards associated with plastic dust, a Class II Group G combustible dust.

c) Facility Wide - Lucent Polymers' PC/ABS MSDS did not contain or describe specific information about the fire and explosion hazards associated with plastic dust, a Class II Group G combustible dust.

d) Facility Wide - Lucent Polymers' PBT MSDS did not contain or describe specific information about the fire and explosion hazards associated with plastic dust, a Class II Group G combustible dust.

Date By Which Violation Must be Abated: **05/06/2011**
Proposed Penalty: **$5,600.00**

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

29 CFR 1910.1200(h)(3)(ii): Employee training did not include at least the physical and health hazards of the chemicals in the work area:

Facility Wide - Employees who worked inside of or near areas where significant airborne concentrations and vast amounts of accumulated plastic dust, a Class II Group G combustible dust, were present were not trained on physical and health hazards such as, but not limited to combustible dust fire hazards and deflagration (explosion) hazards.

Date By Which Violation Must be Abated: **05/06/2011**

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 314740036
Inspection Dates: 02/08/2011 - 03/31/2011
Issuance Date: 04/12/2011

Safety Order and Notification of Penalty

Company Name: Lucent Polymers, Inc.
Inspection Site: 1700 Lynch Road, Evansville, IN 47711

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

29 CFR 1910.145(c)(3): Safety instruction signs were not used where there was a need for general instructions and suggestions relative to safety measures:

Facility Wide - Warning signs that described the hazard(s) associated with plastic dust, a Class II Group G combustible dust, were not posted on or around equipment which processed, used, produced and/or emitted plastic dust, or at the entrances to areas where explosive atmospheres had the potential to occur.

Date By Which Violation Must be Abated: **05/06/2011**
Proposed Penalty: **$.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: Lucent Polymers, Inc.
Inspection Site: 1700 Lynch Road, Evansville, IN 47711
Issuance Date: 04/12/2011

Summary of Penalties for Inspection Number 314740036

Safety Order 01, Serious	=	$33,600.00
Safety Order 02, Nonserious	=	$0.00
Total Proposed Penalties		$33,600.00

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

4-12-11
Date