

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 # 70031010 0003 5730 9399 6-9-10 jts

Safety Order and Notification of Penalty

To:	Inspection Number:	314357393
Lighting Resources, LLC, and its successors 498 Park 800 Drive Greenwood, IN 46143	Inspection Date(s):	04/20/2010 - 05/19/2010
	Issuance Date:	06/09/2010

Inspection Site:

498 Park 800 Drive
Greenwood, IN 46143

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.

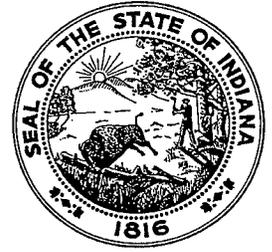
Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing 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 06/09/2010. 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: 314357393
Inspection Dates: 04/20/2010 - 05/19/2010
Issuance Date: 06/09/2010



Safety Order and Notification of Penalty

Company Name: Lighting Resources, LLC
Inspection Site: 498 Park 800 Drive, Greenwood, IN 46143

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

29 CFR 1910.36(g)(2): An exit access was not at least twenty-eight (28) inches (71.1cm) wide at all points:

- a. Processing area: The south exit from the processing area was restricted by a skid of material which reduced the exit access to nineteen and a half inches (19.5") between the skid of materials and the bumper guard at the access door.
- b. Processing Area: The east/ west aisle way in the HID area was restricted by materials stored along the length of the aisle way. At the narrowest points between support pillars and skids of materials from west to east are as follows: Workstation #1 , twenty-one and half inches (21.5") wide, Workstation #2 , fifteenth inches (15") wide, Workstation #3 , eighteen and half inches (18.5") wide, and Workstation #4 , twenty-one inches (21") wide.

Date By Which Violation Must be Abated: 07/06/2010
Proposed Penalty: \$1,250.00

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

29 CFR 1910.37(a)(1): Exit routes were not kept free of explosive or highly flammable furnishings or decorations.

Processing Area: At the exterior of the south exit of the processing area there was a propane storage rack which contained five propane cylinders and a 5-gallon can of gasoline.

Date By Which Violation Must be Abated: 07/06/2010
Proposed Penalty: \$1,250.00

Indiana Department of Labor

Occupational Safety and Health Administration

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Inspection Dates: 04/20/2010 - 05/19/2010
Issuance Date: 06/09/2010



Safety Order and Notification of Penalty

Company Name: Lighting Resources, LLC
Inspection Site: 498 Park 800 Drive, Greenwood, IN 46143

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 1910.95(c)(1): A continuing, effective hearing conservation program as described in 29 CFR 1910.95(c) through (n) was not instituted when employee noise exposures equaled or exceeded an 8-hour time weighted average sound level (TWA) of 85 dBA:

Facility wide: Lighting Resources, LLC. did not develop and implement a hearing conservation program where employee exposure levels exceeded the 8-hour time weighted average sound level (TWA) of 85 dBA including:

- a. On April 22, 2010 a Processor in the HID Area who manually disassembled light bulbs was exposed to 161.6% of the permissible daily noise exposure (8-hour time weighted average of 85 dBA) or equivalent sound level of approximately 93.8 dBA during the 458 minute sampling period. Exposure calculations included zero increment for 22 minutes of unsampled time.
- b. On April 22, 2010 a Processor in the Bulb Processing Machine Area who loaded straight fluorescent light bulbs was exposed to 122.5 % of the permissible daily noise exposure (8-hour time weighted average of 85 dBA) or equivalent sound level of approximately 91.5 dBA during the 464 minute sampling period. Exposure calculations included zero increment for 16 minutes of unsampled time.

Date By Which Violation Must be Abated: **07/06/2010**
Proposed Penalty: **\$2,500.00**

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

29 CFR 1910.95(d)(1): A representative monitoring program was not developed and implemented when information indicated that an employee's exposure may equal or exceed an 8-hour time weighted average of 85 dBA:

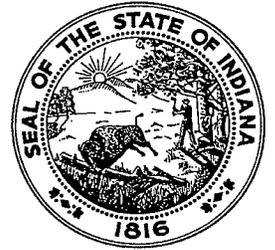
Facility wide: Lighting Resources, LLC did not perform noise monitoring where processes including, but not limited to bulb processing and HID process area produced noise levels that exceeded the 8-hour time weighted average of 85 dBA.

Date By Which Violation Must be Abated: **07/06/2010**

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 314357393
Inspection Dates: 04/20/2010 - 05/19/2010
Issuance Date: 06/09/2010



Safety Order and Notification of Penalty

Company Name: Lighting Resources, LLC
Inspection Site: 498 Park 800 Drive, Greenwood, IN 46143

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

29 CFR 1910.95(g)(1): An audiometric testing program was not established and maintained for all employees whose noise exposure equaled or exceeded an 8 hour time weighted average of 85 DBA:

- a. Processing Area: On April 22, 2010 a Processor in the HID Area who manually disassembled light bulbs was exposed to 161.6% of the permissible daily noise exposure (8-hour time weighted average of 85 dBA) or equivalent sound level of approximately 93.8 dBA during the 458 minute sampling period. Exposure calculations included zero increment for 22 minutes of unsampled time.
- b. Processing Area: On April 22, 2010 a Processor in the Bulb Processing Machine Area who loaded straight fluorescent light bulbs was exposed to 122.5 % of the permissible daily noise exposure (8-hour time weighted average of 85 dBA) or equivalent sound level of approximately 91.5 dBA during the 464 minute sampling period. Exposure calculations included zero increment for 16 minutes of unsampled time.

Date By Which Violation Must be Abated: 07/06/2010

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

29 CFR 1910.95(i)(2)(i): The wearing of hearing protectors was not ensured for employees exposed to sound levels exceeding those listed in Table G16 of 29 CFR 1910.95 as required by 29 CFR 1910.95(b)(1):

On April 22, 2010 a Processor in the HID Area who manually disassembled light bulbs was exposed to 138.7% of the permissible daily noise exposure (8-hour time weighted average of 90 dBA) or equivalent sound level of approximately 92.4 dBA during the 458 minute sampling period. Exposure calculations included zero increment for 22 minutes of unsampled time.

Date By Which Violation Must be Abated: 07/06/2010

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 314357393
Inspection Dates: 04/20/2010 - 05/19/2010
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Safety Order and Notification of Penalty

Company Name: Lighting Resources, LLC
Inspection Site: 498 Park 800 Drive, Greenwood, IN 46143

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

29 CFR 1910.95(k)(1): A training program was not instituted for all employees who were exposed to noise at or above an 8 hour time-weighted average of 85 dBA:

- a. Processing Area: On April 22, 2010 a Processor in the HID Area who manually disassembled light bulbs was exposed to 161.6% of the permissible daily noise exposure (8-hour time weighted average of 85 dBA) or equivalent sound level of approximately 93.8 dBA during the 458 minute sampling period. Exposure calculations included zero increment for 22 minutes of unsampled time.
- b. Processing Area: On April 22, 2010 a Processor in the Bulb Processing Machine Area who loaded straight fluorescent light bulbs was exposed to 122.5 % of the permissible daily noise exposure (8-hour time weighted average of 85 dBA) or equivalent sound level of approximately 91.5 dBA during the 464 minute sampling period. Exposure calculations included zero increment for 16 minutes of unsampled time.

Date By Which Violation Must be Abated: 07/06/2010

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 314357393
Inspection Dates: 04/20/2010 - 05/19/2010
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Safety Order and Notification of Penalty

Company Name: Lighting Resources, LLC
Inspection Site: 498 Park 800 Drive, Greenwood, IN 46143

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

29 CFR 1910.141(g)(2): Employees were permitted to consume food or beverage in area(s) exposed to toxic materials:

Employee Kitchenette/ Break Area: Employees were exposed to mercury where employees prepare and consumed food and beverages.

Date By Which Violation Must be Abated: 07/06/2010
Proposed Penalty: \$1,250.00

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

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by rotating blade and flying materials on the chop saw

Maintenance Area: The lower guard was missing exposing the lower half of the 14" Diameter ENCO general purpose carbide blade Chop Saw, serial number 480327, model JCS-301, 3900 RPM, 120 volt, 18 amp.

Date By Which Violation Must be Abated: 07/06/2010
Proposed Penalty: \$1,250.00

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

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

Maintenance area: Black and Decker 6821 Bench Grinder, serial number 40126989, 120 volt, 4.0 AMP, 3450 rpm had tool rest that had openings on the left tool rest measured one-quarter of inch and the right tool rest measured three-eighths of one inch.

Date By Which Violation Must be Abated: 07/06/2010
Proposed Penalty: \$750.00

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 314357393
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Issuance Date: 06/09/2010



Safety Order and Notification of Penalty

Company Name: Lighting Resources, LLC
Inspection Site: 498 Park 800 Drive, Greenwood, IN 46143

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 7a Type of Violation: **Serious**

29 CFR 1910.1000(b)(1): Employees were exposed to airborne concentrations of total mercury, listed in Table Z-2, in excess of 0.1 mg/m3 as an 8-hour Time Weighted Average concentration:

a. Processing Area: On April 21, 2010 a processor who manually broke and sorted HID lamps and other various shaped small fluorescent lamps over a 55-gallon drum was exposed to total mercury at a time weighted average of 0.1312 mg/m3 which is 1.3 times the permissible exposure limit time weighted average of 0.1 mg/m3.

b. Processing Area: On April 22, 2010 a processor who feeds straight fluorescent bulbs into a automatic bulb crushing machine was exposed to total mercury at a time weighted average of 1.624 mg/m3 which is 16.2 times the permissible exposure limit time weighted average of 0.1 mg/m3.

Date By Which Violation Must be Abated: **09/08/2010**
Proposed Penalty: **\$2,500.00**

Safety Order 1 Item 7b 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. Processing Area: On April 21, 2010 a processor who manually breaks and sorts HID lamps and other various shaped small fluorescent lamps over a 55-gallon drum was exposed to total mercury at a time weighted average of 0.1312 mg/m3 which is 1.3 times the permissible exposure limit time weighted average of 0.1 mg/m3.

b. Processing Area: On April 22, 2010 a processor who feeds straight fluorescent bulbs into a automatic bulb crushing machine was exposed to total mercury at a time weighted average of 1.624 mg/m3 which is 16.2 times the permissible exposure limit time weighted average of 0.1 mg/m3.

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.

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 314357393
Inspection Dates: 04/20/2010 - 05/19/2010
Issuance Date: 06/09/2010



Safety Order and Notification of Penalty

Company Name: Lighting Resources, LLC
Inspection Site: 498 Park 800 Drive, Greenwood, IN 46143

Date By Which STEP 1 Must be Abated

06/09/10

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 citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with the abatement dates required by this citation:

- (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.

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

07/25/10

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:

09/05/2010

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 314357393
Inspection Dates: 04/20/2010 - 05/19/2010
Issuance Date: 06/09/2010



Safety Order and Notification of Penalty

Company Name: Lighting Resources, LLC
Inspection Site: 498 Park 800 Drive, Greenwood, IN 46143

Safety Order 1 Item 7c 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 employee(s) were exposed and the workplace factors that affect respirator performance and reliability.

Processing Area: Processors breaking fluorescent tubes and/or cleaning up broken glass and mercury laden dust and wearing 3M half-face cartridge air purifying respirators were exposed to total mercury of 1.624 milligrams/ cubic meter which 16.2 times the OSHA permissible exposure time weighted average of 0.1 milligrams/ cubic meter

Date By Which Violation Must be Abated: 07/06/2010

Safety Order 1 Item 8 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:

Facility wide: Processors were not familiar with the hazards of chemicals which they were exposed to including, but not limited to mercury.

Date By Which Violation Must be Abated: 07/06/2010
Proposed Penalty: \$1,000.00

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 314357393
Inspection Dates: 04/20/2010 - 05/19/2010
Issuance Date: 06/09/2010



Safety Order and Notification of Penalty

Company Name: Lighting Resources, LLC
Inspection Site: 498 Park 800 Drive, Greenwood, IN 46143

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

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 wear a respirator in the workplace.

Processing Area: A Processor required to wear a 3M half face 6000 series respirator with cartridges was not provided with a medical evaluation where the employee disassembled light bulbs and was exposed to dust which contained mercury.

Date By Which Violation Must be Abated: **07/06/2010**
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: Lighting Resources, LLC
Inspection Site: 498 Park 800 Drive, Greenwood, IN 46143
Issuance Date: 06/09/2010

Summary of Penalties for Inspection Number 314357393

Safety Order 01, Serious	=	\$11,750.00
Safety Order 02, Nonserious	=	\$0.00
Total Proposed Penalties		\$11,750.00

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

6-9-10

Date