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 6885 5-5-11 jts

Safety Order and Notification of Penalty

To:

Manchester Metals, LLC,
and its successors
P.O. Box 345
North Manchester, IN 46962

Inspection Site:

205 Wabash Road
North Manchester, IN 46962

Inspection Number: 315045120

Inspection Date(s): 03/10/2011 - 04/25/2011

Issuance Date: 05/05/2011

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 05/05/2011. 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: Manchester Metals, LLC
Inspection Site: 205 Wabash Road, North Manchester, IN 46962

Safety Order 1 Item 1 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) Disa Forma - Employees were exposed to radiant heat and potential molten iron splashing, spills and flame and were not required to wear all the minimum primary protective clothing such as but not limited to: hard hat, jacket, apron, leggings, spats, and cape sleeves. Employees instead wore t-shirts and jeans.

b) Disa Matic - Employees were exposed to radiant heat and potential molten iron splashing, spills and flame and were not required to wear all the minimum primary protective clothing such as but not limited to: hard hat, jacket, apron, leggings, spats, and cape sleeves. Employees instead wore t-shirts and jeans.

c) Melt Area - Employees were exposed to radiant heat and potential molten iron splashing, spills and flame and were not required to wear all the minimum primary protective clothing such as but not limited to: hard hat, jacket, apron, leggings, spats, and cape sleeves. Employees instead wore t-shirts and jeans.

d) Ground Floor Molding - Employees were exposed to radiant heat and potential molten iron splashing, spills and flame and were not required to wear all the minimum primary protective clothing such as but not limited to: hard hat, jacket, apron, leggings, spats, and cape sleeves. Employees instead wore t-shirts and jeans.

e) North (Upper Ground Floor) Foundry Deck - Employees were exposed to radiant heat and potential molten iron splashing, spills and flame and were not required to wear all the minimum primary protective clothing such as but not limited to: hard hat, jacket, apron, leggings, spats, and cape sleeves. Employees instead wore t-shirts and jeans.

Date By Which Violation Must be Abated: **06/01/2011**
Proposed Penalty: **$1,625.00**

Safety Order and Notification of Penalty
Company Name: Manchester Metals, LLC
Inspection Site: 205 Wabash Road, North Manchester, IN 46962

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 1910.146(c)(5)(ii)(C): Employees entered into permit spaces that met the conditions set forth in 29 CFR 1910.146(c)(5)(i) but before an employee entered the space, the internal atmosphere was not tested with a calibrated direct-reading instrument for oxygen content:

Facility-wide - Employer's facility contained permit-required confined spaces such as, but not limited to sand pits, furnace vaults, bag houses, elevators and mixers.

a) Maintenance employees serviced and maintained equipment such as, but not limited to the sand clean out pit #14 on March 12, 2011. Industrial Scientific four gas meter used on March 12, 2011 to verify air quality in the confined space prior to employee entry. The last instrument calibration for the Industrial Scientific four gas meter was conducted by the manufacturer on April 21, 2010. Equipment neither calibrated nor bump tested prior to entries on March 12, 2011.

b) Maintenance employees serviced and maintained equipment such as, but not limited to the furnace vault #2 on March 14, 2011. Industrial Scientific four gas meter used on March 14, 2011 to verify air quality in confined space prior to employee entry. The last instrument calibration for the Industrial Scientific four gas meter was conducted by the manufacturer on April 21, 2010. Equipment neither calibrated nor bump tested prior to entries in March 2011.

c) Maintenance employee serviced and maintained equipment such as, but not limited to the Muller elevator the week of March 21, 2011. No four gas meter was available for use to verify air quality in the confined space prior to employee entry.

Date By Which Violation Must be Abated: **06/01/2011**
Proposed Penalty: **$1,625.00**

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

29 CFR 1910.146(c)(5)(ii)(E)(2): Employees entered into permit spaces that met the conditions set forth in 29 CFR 1910.146(c)(5)(i) but the forced air ventilation was not so directed as to ventilate the immediate areas where an employee was or would be present within the space and did not continue until all employees had left the space:

Facility-wide - Employer's facility contained permit-required confined spaces such as, but not limited to sand pits, furnace vaults, bag houses, elevators and mixers.

a) Maintenance employees serviced and maintained equipment such as, but not limited to the sand clean out pit #14 on March 12, 2011. Industrial Scientific four gas meter used on March 12, 2011 to verify air quality in the confined space prior to employee entry. The last instrument calibration for the Industrial Scientific four gas meter was conducted by the manufacturer on April 21, 2010. Equipment neither calibrated nor bump tested prior to entries on March 12, 2011.

b) Maintenance employees serviced and maintained equipment such as, but not limited to the furnace vault #2 on March 14, 2011. Industrial Scientific four gas meter used on March 14, 2011 to verify air quality in confined space prior to employee entry. The last instrument calibration for the Industrial Scientific four gas meter was conducted by the manufacturer on April 21, 2010. Equipment neither calibrated nor bump tested prior to entries in March 2011.

c) Maintenance employee serviced and maintained equipment such as, but not limited to the Muller elevator the week of March 21, 2011. No four gas meter was available for use to verify air quality in the confined space prior to employee entry.

Date By Which Violation Must be Abated: **06/01/2011**

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 3a 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 saw blade.

Laboratory area - The Wells horizontal metal band saw had the unused portion of the saw blade unguarded on the right side.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **$975.00**

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

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

Laboratory area - The Wells horizontal metal band saw was operated with an unguarded inclined belt exposing employees to an in-running nip point at approximately twenty-nine inches off the floor.

Date By Which Violation Must be Abated:

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

29 CFR 1910.243(c)(1): Abrasive wheel(s) were used on portable grinder(s) which were not provided with safety guard(s) meeting the requirements specified in 29 CFR 1910.243(c)(1) through (c)(4):

Grinding Department - Nine-inch diameter Tyrolit angle grinders were used by employees to remove burrs from grey iron castings.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **$975.00**

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

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

Melt Deck - Furnace operator's work station was missing a metal cover plate exposing employees to live 110V electrical parts.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **$975.00**

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 6a Type of Violation: **Serious**

29 CFR 1910.1000(c): Employees were exposed to silica quartz, listed in Table Z-3, in excess of 2.56 mg/m^3 as an 8 hour Time Weighted Average concentration:

Ground Floor Molding - Employee was exposed to silica quartz, respirable, at 3.22 mg/m^3 for an 8-hour time-weighted average (TWA); approximately 1.26 times the adjusted Permissible Exposure Limit (PEL) of 2.56 mg/m^3 based on a sample containing 1.89% silica quartz. The exposure was derived from a from a 449 minute sampling period on March 30, 2011. Zero exposure was assumed for the 31 minutes not sampled.

Date By Which Violation Must be Abated: **06/01/2011**
Proposed Penalty: **$4,000.00**

Safety Order 1 Item 6b 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):

Ground Floor Molding - Employee was exposed to silica quartz, respirable, at 3.22 mg/m^3 for an 8-hour time-weighted average (TWA); approximately 1.26 times the adjusted Permissible Exposure Limit (PEL) of 2.56 mg/m^3 based on a sample containing 1.89% silica quartz. The exposure was derived from a from a 449 minute sampling period on March 30, 2011. Zero exposure was assumed for the 31 minutes not sampled.

Date By Which Violation Must be Abated: **06/01/2011**

Safety Order and Notification of Penalty
Company Name: Manchester Metals, LLC
Inspection Site: 205 Wabash Road, North Manchester, IN 46962

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

a) Ground Floor Molding - Employees such as, but not limited to transport operator and molder, were exposed to and handled chemicals containing silica quartz such as, but not limited to lake sand.

b) Penn Lift Area - Employees such as, but not limited to operators were exposed to and handled chemicals containing silica quartz such as but not limited to lake sand and EZ Kote G Plastic PM.

c) Shell Core Areas - Employees such as, but not limited to operators were exposed to and handled chemicals containing silica quartz such as but not limited to resin coated silica sand.

Manchester Metals, LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1910.1200(h)(1), which was contained in OSHA inspection number 312650757, citation number 1, item number 6, issued on 01/07/2009, with respect to a workplace located at 205 Wabash Road, North Manchester, IN 46962.

Date By Which Violation Must be Abated: **06/01/2011**
Proposed Penalty: **$8,000.00**

Safety Order and Notification of Penalty
Company Name: Manchester Metals, LLC
Inspection Site: 205 Wabash Road, North Manchester, IN 46962

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

29 CFR 1910.36(d)(1): Exit(s) were locked or fastened, preventing free escape from inside of the building. Employees must be able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

South Dock Area - Emergency exit located on the south wall had a sliding bolt installed in the middle of the door.

Date By Which Violation Must be Abated: **06/01/2011**
Proposed Penalty: **$.00**

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

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

a) Grinding Department - Employees were required to wear either half-face Moldex 2200N95 or Moldex M2800N95 filtering face pieces when performing tasks such as but not limited to: finishing grey iron castings with either hand angle grinders and/or floor-mounted abrasive grinders.

b) Shakeout Area - Employees were required to wear either half-face Moldex 2200N95 or Moldex M2800N95 filtering face pieces when performing tasks such as but not limited to: separating and removing grey iron castings from sand molds in preparation for finishing

c) Melt Deck Area - Employees were required to wear half-face Moldex 2200N95 or Moldex M2800N95 filtering face pieces when performing tasks such as but not limited to: re-lining the furnaces.

Date By Which Violation Must be Abated: **06/01/2011**
Proposed Penalty: **$.00**

Safety Order 3 Item 3 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 use a respirator in the workplace:

a) Grinding Department - Employees were required to wear either half-face Moldex 2200N95 or Moldex M2800N95 filtering face pieces when performing tasks such as but not limited to: finishing grey iron castings with either hand angle grinders and/or floor-mounted abrasive grinders.

b) Shakeout Area - Employees were required to wear either half-face Moldex 2200N95 or Moldex M2800N95 filtering face pieces when performing tasks such as but not limited to: separating and removing grey iron castings from sand molds in preparation for finishing

c) Melt Deck Area - Employees were required to wear half-face Moldex 2200N95 or Moldex M2800N95 filtering face pieces when performing tasks such as but not limited to: re-lining the furnaces.

Date By Which Violation Must be Abated: **06/01/2011**
Proposed Penalty: **$.00**

Safety Order 3 Item 4 Type of Violation: **Nonserious**

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

a) Grinding Department - Employees were required to wear either half-face Moldex 2200N95 or Moldex M2800N95 filtering face pieces when performing tasks such as but not limited to: finishing grey iron castings with either hand angle grinders and/or floor-mounted abrasive grinders.

b) Shakeout Area - Employees were required to wear either half-face Moldex 2200N95 or Moldex M2800N95 filtering face pieces when performing tasks such as but not limited to: separating and removing grey iron castings from sand molds in preparation for finishing

c) Melt Deck Area - Employees were required to wear half-face Moldex 2200N95 or Moldex M2800N95 filtering face pieces when performing tasks such as but not limited to: re-lining the furnaces.

Date By Which Violation Must be Abated: **06/01/2011**
Proposed Penalty: **$.00**

Safety Order 3 Item 5 Type of Violation: **Nonserious**

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:

Ground Floor Molding - Employee(s) exposed to a 110 volt one ton Coffing hoist having a electrical cord with cracked and damaged insulation. Electrical cord repaired with electrical tape.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **$.00**

Safety Order 3 Item 6 Type of Violation: **Nonserious**

29 CFR 1910.303(g)(1)(ii): Working space about electric equipment rated 600 volts, nominal, or less was used for storage:

a) Grinding Department - Parts bin blocked and limited employee access to a 480V circuit breaker panel on the west wall of the grinding department.

b) Heat Treat Building - Dies and sand molds blocked and limited employee access to a 480V electrical panel on the west wall.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **$.00**

Safety Order and Notification of Penalty
Company Name: Manchester Metals, LLC
Inspection Site: 205 Wabash Road, North Manchester, IN 46962

Safety Order 2 Item 7 Type of Violation: **Nonserious**

29 CFR 1910.305(g)(1)(iv): Flexible cords and cables were used for purposes prohibited by subparagraphs (a) through (f) of this paragraph:

Ground Floor Molding - The employer ran the flexible electrical cord for the one ton Coffing hoist across the floor to an extension cord that was plugged into a 110V receptacle on a steel girder.

Date By Which Violation Must be Abated: **Corrected During Inspection**
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: Manchester Metals, LLC
Inspection Site: 205 Wabash Road, North Manchester, IN 46962
Issuance Date: 05/05/2011

Summary of Penalties for Inspection Number 315045120

Safety Order 01, Serious	=	$10,175.00
Safety Order 02, Repeat Serious	=	$8,000.00
Safety Order 03 Nonserious		$0.00
Total Proposed Penalties		$18,175.00

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 r 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

5-5-11
Date