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

# Safety Order and Notification of Penalty

**To:**

Steel Dynamics, Inc.,
and its successors
5134 Loop Road
Jeffersonville, IN 47130

**Inspection Site:**

5134 Loop Road
Jeffersonville, IN 47130

**Inspection Number:** 313197634

**Inspection Date(s):** 08/10/2009 - 10/01/2009

**Issuance Date:** 10/28/2009

*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 10/28/2009. 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 1 Item 1 Type of Violation: **Serious**

29 CFR 1904.7(b)(1): The employer did not record a work-related injury or illness that resulted in one or more of the conditions listed in subpart i - vi of this section.

Facility - Steel Dynamics, Inc. did not record injuries and/ or illnesses including, but limited to:

A. Facility, Splits - Chad Allen passed out due to heat exhaustion on August 16, 2007.

B. Hot Bridle, side entrance platform - Jeremy Bowen lost consciousness while catching needle bar in or around calendar year 2006.

C. Pot - Chris Rodgers contacted a 480 volt cable and was found on his back "his hands shaking and his eyes rolling back." Chris was sent to hospital on August 4, 2007.

**Date By Which Violation Must be Abated:** **11/22/2009**
**Proposed Penalty:** **$5,000.00**

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

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

Hot Bridal: The was no assessment of the hazards including, but not limited to nitrogen and heat that employees are exposed to when performing work tasks outside the hot bridle such as dropping the ball and chain, threading the hot bridal and/or placing the needle in the holder.

**Date By Which Violation Must be Abated:** **11/24/2009**
**Proposed Penalty:** **$5,000.00**

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

29 CFR 1910.146(d)(14): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not review the permit-required confined space program, using the canceled permits retained under 29 CFR 1910.146(e)(6) within one year after each entry and did not revise the program as necessary, to ensure that employees participation in entry operations were protected from permit space hazards:

Facility - Steel Dynamics, Inc. did not perform an annual review of cancelled confined space entry permits where employees enter permit-required confined spaces to perform work including, but not limited to cleaning hot bridal, threading the hot bridal, and dropping the ball and chain.

**Date By Which Violation Must be Abated:** **11/24/2009**
**Proposed Penalty:** **$5,000.00**

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

29 CFR 1910.146(f)(1): The entry permit that documented compliance and authorized entry to a permit space did not identify the permit space to be entered:

**A. Entry permit, 8-4-09 - Space to be entered not noted, Entry time - 9 PM , Exit time - time not noted, Purpose of entry was not noted.**

**B. Entry permit, Date not noted - Space to be entered not noted, Entry time - 9:40 AM , Exit time - time not noted, Purpose - to thread Hot Bridle**

**Date By Which Violation Must be Abated:** **11/22/2009**
**Proposed Penalty:** **$5,000.00**

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

29 CFR 1910.146(f)(2): The entry permit that documented compliance and authorized entry to a permit space did not identify the purpose of the entry:

A. Entry permit, 8-4-09 - Furnace, Entry time - 10AM , Exit time - 11AM, Purpose of entry was not noted.

B. Entry permit, 8-4-09 - Space to be entered not noted, Entry time - 9 PM , Exit time - time not noted, Purpose of entry was not noted.

C. Entry permit, 4-2-09 - Hot Bridle, Entry time- 10AM , Exit time - time not noted, Purpose of entry was not noted.

D. Entry permit, 12-9 - Space ID#107, Entry time - 10 , Exit time - 11, Purpose of entry was not noted.

E. Entry permit, 8-22-08 - Jet Cool 3, 4 and Hot Bridle, Entry time - 3 AM , Exit time - 6:00 AM, Purpose of entry was not noted.

F. Entry permit, 8-6-09 - Hot Bridle, Entry time - 9AM , Exit time - time not noted, Purpose of entry was not noted.

**Date By Which Violation Must be Abated:** **11/22/2009**

**Proposed Penalty:** **$5,000.00**

---

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

29 CFR 1910.146(f)(7): The entry permit that documented compliance and authorized entry to a permit space did not identify the hazards of the permit space to be entered:

Facility - The Steel Dynamics, Inc. confined space entry permit referred employees to the Confined Space Entry Log Book to find the hazards associated with the specific space to be entered, but the hazards noted on the confined space entry permit did not match the Confined Space Entry Log Book. In addition, hazards noted on the permits were inconsistent for the same location as noted in the following:

Furnace: Confined Space Entry Log Book - CSP# 20 - 34, Hazards - O2, CO, Lockout/ Tagout, Heat;

A. Furnace : Entry Permit 8-4-09, Entry 10:00 AM - Hazards - Lack of Oxygen, Flammable gas, Toxic gas, Entrapment.

B. Furnace : Entry Permit 5-12-09, Entry 7:00 AM- Hazards - Lack of Oxygen, Flammable gas, Toxic gas, Temperature, Engulfment.

C. Furnace : Entry Permit 1-4-09, Entry 11:30 AM- Hazards - Lack of Oxygen, Flammable gas, Toxic gas, Electrical hazards, Mechanical Hazards, Temperature, Entrapment.

Hot Bridle:Top/ Side of Snout/ Jet Cool: Confined Space Entry Log Book - CSP# 20 - 25, Hazards - O2, CO, Lockout/ Tagout, Heat;

D. Hot Bridle: Entry Permit Entry 9:40 AM- Hazards - Lack of Oxygen, Flammable gas, Toxic gas, Mechanical hazards, Temperature, Engulfment.

E. Hot Bridle/ Jet Cool: Entry Permit 7-9-09, Entry 7:00 AM- Hazards - Lack of Oxygen, Electrical hazards, Mechanical hazards, Temperature.

F. Hot Bridle: Entry Permit Entry 1:00 AM- Hazards - Lack of Oxygen, Flammable gas, Electrical hazards, Mechanical hazards, Temperature.

G. Hot Bridle: Entry Permit Entry 4:20 - Hazards - Lack of Oxygen, Flammable gas, Mechanical hazards, Temperature, Engulfment.

H. Hot Bridle/ Jet Cool: Entry Permit 4-27-09, Entry 12:00 PM- Hazards - Lack of Oxygen, Flammable gas, Electrical hazards, Mechanical hazards, Temperature.

I. Hot Bridle: Entry Permit 4-2-09 Entry 7:30 PM - Hazards - Lack of Oxygen, Flammable gas, Toxic gas, Electrical hazards, Mechanical hazards, Temperature, Engulfment, Entrapment.

J. Hot Bridle: Entry Permit 4-2-09, Entry 10:00 PM- Hazards - Flammable gas, Toxic gas.

K. Hot Bridle: Entry Permit 3-30-09 Entry 11:00 AM - Hazards - Flammable gas, Electrical hazards, Mechanical hazards, Temperature.

L. Hot Bridle: Entry Permit 2-10 Entry 12:00 PM - Hazards - Lack of Oxygen, Flammable gas, Toxic gas, Electrical hazards, Mechanical hazards, Temperature.

M. Hot Bridle: Entry Permit 3-7-09 Entry 10:00 PM - Hazards - Flammable gas, Electrical hazards, Mechanical hazards, Temperature.

N. Hot Bridle/ Jet Cool: Entry Permit 3-6-09, Entry 10:10 AM- Hazards - No hazards noted for space.

O. Hot Bridle: Entry Permit 1-3-09 Entry 1:00 AM - Hazards - Flammable gas, Electrical hazards, Mechanical hazards, Temperature.

P. Hot Bridle/ Furnace: Entry Permit 11-15-08, Entry 4:00 AM - Hazards - Lack of Oxygen, Temperature.

Q. Jet Cool #3: Entry Permit 3-8-09, Entry 9:00 PM - Hazards - Flammable gas, Electrical hazards, Mechanical hazards, Temperature.

R. Hot Bridle: Entry Permit 1-27-09, Entry 3:00 AM - Hazards - No hazards noted for space.

S. Hot Bridle/ Jet Cool 3, 4: Entry Permit 8-22-08, Entry 3:00 AM- Hazards - Temperature.

T. Hot Bridle/ Jet Cool: Entry Permit 8-2-09, Entry 9:30 PM - Hazards - Lack of Oxygen, Flammable hazards, Temperature.

U. Hot Bridle: Entry Permit 8-3-09, Entry 9:00 PM - Hazards - Flammable hazards, Electrical hazards, Mechanical hazards, Temperature.

V. Hot Bridle: Entry Permit 8-6-09, Entry 9:00 AM - Hazards -Lack of Oxygen, Flammable gas, Toxic gas, Mechanical Hazards, Temperature, Engulfment, Entrapment.

Preheat: Confined Space Entry Log Book - CSP# 34, Hazards - O2, CO, Lockout/ Tagout, Heat;

W. CSP#34 (Preheat ):Entry Permit 8-2-09, Entry 9:30 PM- Hazards - Lack of Oxygen, Flammable gas, Mechanical hazards, Temperature.

X. CSP#34 (Preheat):Entry Permit 8-3-09, Entry 9:00 PM- Hazards - Lack of Oxygen, Flammable gas, Toxic gas, Mechanical hazards, Temperature.

Y. Preheat: Entry Permit 8-4, Entry 9:00 AM- Hazards - Lack of Oxygen, Flammable gas, Toxic gas, Electrical hazards, Mechanical hazards, Temperature, Entrapment.

Radiant Tube: Confined Space Entry Log Book - CSP# 30 - 33, Hazards - O2, CO, Lockout/ Tagout, Heat;

Z. CSP#32 (Furnace):Entry Permit 1-4-09, Entry 9:00 PM- Hazards - Flammable gas, Mechanical hazards, Temperature.

AA. Radiant Tube: Entry Permit 8-3-09, Entry 7:30 PM- Hazards - Lack of Oxygen, Flammable gas, Electrical hazards, Mechanical hazards, Temperature.

BB. Radiant Tube: Entry Permit 8-3-09, Entry 9:00 PM- Hazards - Lack of Oxygen, Flammable gas, Mechanical hazards, Temperature.

**Date By Which Violation Must be Abated:** **11/22/2009**
**Proposed Penalty:** **$5,000.00**

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

29 CFR 1910.146(f)(10): The entry permit that documented compliance and authorized entry to a permit space did not identify the results of initial and periodic tests performed under 29 CFR 1910.146(d)(5), accompanied by the names or initials of the testers and by an indication of when the tests were performed:

Facility - Steel Dynamics, Inc. confined space entry permits did not have the results of initial tests performed, accompanied by names or the initials of the testers, and by indication when the tests were performed in the following permits:

A. Entry permit, Furnace, 8-4-09, Entry - 10:00 AM, No initial test results, No time noted for initial test results, first recorded air tests are 30 minutes after entry.

B. Entry permit, No location, 8-4-09, Entry - 9:00 PM, No signature or initials for initial test, No initial test results, No time noted for initial test results, first recorded air tests are 15 minutes after entry.

C. Entry permit, Hot Bridal, 7-9-09 Entry - 7:00 AM, No initial test results, No time noted for initial test results, first recorded air tests are 6 minutes after entry.

D. Entry permit, Furnace, 6-8-09, Entry - 9:30 PM, No signature or initials for initial test.

E. Entry permit, Hot Bridle, 5-18-09, Entry - 4:20 AM, No signature or initials for initial test, No initial test results, No time noted for initial test results, first recorded air tests are 30 minutes after entry.

F. Entry permit, Hot Bridle, 3-30-09, Entry - 11:00 AM, No initial test results, No time noted for initial test results, first recorded air tests are 3 hours, 40 minutes after entry.

G. Entry permit, Hot Bridle, 2-10, Entry - 12:00 PM, No initial test results, No time noted for initial test results, first recorded air tests are 3 hours, 50 minutes after entry.

H. Entry permit, Hot Bridle, 3-7-09, Entry - 10:00 PM, No initial test results, No time noted for initial test results, first recorded air tests are 10 minutes after entry.

I. Entry permit, Hot Bridle, 1-3-09, Entry - 1:00 AM, No initial test results, No time noted for initial test results, first recorded air tests are 1 hour, 35 minutes after entry.

J. Entry permit, CSP#32, 1-4-09, Entry - 9:00 PM, No initial test results, No time noted for initial test results, first recorded air tests are 2 hours after entry.

K. Entry permit, Furnace, 11-15-08, Entry - 4:00 AM, No signature or initials for initial test, No initial test results, No time noted for initial test results, first recorded air tests are 7 hours after entry.

L. Entry permit, Jet Cool #3, 3-8-09, Entry - 9:00 PM, No initial test results, No time noted for initial test results, first recorded air tests are 1 hour, 50 minutes after entry.

M. Entry permit, Jet Cool #3, 4 Hot Bridle, 8-22-09, Entry - 3:00 AM, No initial test results, No time noted for initial test results, first recorded air tests are 20 minutes after entry.

N. Entry permit, CSP #34, 8-2-09, Entry - 9:30 PM, No initial test results, No time noted for initial test results, first recorded air tests are 25 minutes after entry.

O. Entry permit, HB & JC, 8-2-09, Entry - 9:30 PM, No initial test results, No time noted for initial test results, first recorded air tests are 40 minutes after entry.

P. Entry permit, Hot Bridle, 8-3-09, Entry - 9:00 AM, No initial test results, No time noted for initial test results, first recorded air tests are 40 minutes after entry.

Q. Entry permit, Radiant Tube,8-3-09, Entry -7:30 PM, No initial test results, No time noted for initial test results, first recorded air tests are 6 minutes after entry.

R. Entry permit, Radiant Tube,8-3-09, Entry - 9:00 PM, No initial test results, No time noted for initial test results, first recorded air tests are 40 minutes after entry.

S. Entry permit, CSP #34, 8-3-09, Entry - 9:00 PM, No initial test results, No time noted for initial test results, first recorded air tests are 15 minutes after entry.

T. Entry permit, Hot Bridle, 8-6-09, Entry - 9:00 PM, No signature or initials for initial test, No initial test results, No time noted for initial test results, first recorded air tests are 2 hours, 54 minutes after entry.

**Date By Which Violation Must be Abated:** **11/22/2009**
**Proposed Penalty:** **$5,000.00**

---

Safety Order 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146, Permit-required confined spaces, acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned:

Facility- Steel Dynamics, Inc. did not train employees on the specific hazards of permit-required confined spaces and safe procedure to safely access and work inside this spaces including, but not limited to effects and characteristics of nitrogen, identifying hazards of permits spaces, completing entry permits, and summoning rescue services.

**Date By Which Violation Must be Abated:** **11/22/2009**
**Proposed Penalty:** **$5,000.00**

Safety Order 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(ii): The energy control procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, including, but not limited to Items A- D of this section:

Facility - Steel Dynamics Inc. did not have specific procedures for the safe isolation and control of hazardous energy including electrical, mechanical, and chemical when performing various work tasks including threading the hot bridal, dropping the ball and chain, and catching the needle bar during a turnaround and after a strip break.

**Date By Which Violation Must be Abated:** **11/22/2009**
**Proposed Penalty:** **$5,000.00**

**Safety Order and Notification of Penalty**

**Company Name:** Steel Dynamics, Inc.

**Inspection Site:** 5134 Loop Road, Jeffersonville, IN 47130

---

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

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 nitrogen causing injuries or illnesses including, but not limited to lightheadedness, mental confusion, convulsions, unconsciousness, and death.

Hot Bridal - Steel Dynamics, Inc. did not develop safe work procedures where employees performed work tasks outside permit-required confined spaces such as threading the chain over the rollers, dropping the ball and chain, and/or placing the needle bar into the holder where they were exposed to hazards including, but not limited to nitrogen creating low levels of oxygen which were immediately dangerous to life and health.

One means of abatement includes incorporating gas monitors to test that the atmosphere is suitable prior to opening spaces that contain nitrogen into work practices and procedures.

Another means of abatement includes use of respiratory equipment such as airline respirator or self-contained breathing apparatus when employees must access these spaces until air tests confirm that oxygen levels are suitable for work near these spaces.

**OR IN THE ALTERNATIVE**

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate respiratory hazard(s) in the workplace including reasonable estimate of employee exposures to respiratory hazard(s) and an identification of contaminant's chemical state and physical form. Where the employer cannot identify or reasonably estimate the employee exposure, the employer shall consider the atmosphere to be immediately dangerous to life and health.

Hot Bridal - Steel Dynamics, Inc. did not identify and evaluate employee exposure to nitrogen creating low levels of oxygen which were immediately dangerous to life and health where employees performed work tasks outside permit-required confined spaces such as threading the chain over the rollers, dropping the ball and chain, and/or placing the needle bar into the holder.

**Date By Which Violation Must be Abated:** **11/24/2009**

**Proposed Penalty:** **$70,000.00**

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

29 CFR 1910.146(d)(2): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not identify and evaluate the hazards of permit spaces before employees entered:

Hot Bridle - Steel Dynamics, Inc. did not evaluate permit required confined spaces and identify the hazards in these spaces including, but not limited to flammable vapors or gases and the energy sources that were affecting the space such as mechanical, pneumatic, electrical, chemical, radiological, etc.

Steel Dynamics, Inc. was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1910.146(d)(2), which was contained in OSHA inspection number 309562825, citation number 1, item number 1B, issued on 08/01/2006, with respect to a workplace located at 8000 North CR 225 East, Pittsboro, IN 46167.

**Date By Which Violation Must be Abated:** **11/22/2009**
**Proposed Penalty:** **$25,000.00**

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

29 CFR 1910.146(k)(1)(i): The employer did not evaluate the rescuer's ability to respond to a rescue summons in a timely manner, considering the hazards identified.

**Facility - Employees entered confined spaces identified as having atmospheric hazards including, but not limited to oxygen deficient, flammable, and/or explosive atmosphere. Steel Dynamics**, Inc. designated employees to contact 911 utilizing local fire departments without evaluating the rescue service. No local fire departments in Clark County provide confined space rescue services.

Steel Dynamics, Inc. was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1910.146(k)(1)(i), which was contained in OSHA inspection number 309562825, citation number 1, item number 2b, issued on 08/01/2006, with respect to a workplace located at 8000 CR 225 East, Pittsboro, IN 46167.

**Date By Which Violation Must be Abated:** **11/22/2009**
**Proposed Penalty:** **$25,000.00**

Safety Order 3 Item 3 Type of Violation: **Repeat**

29 CFR 1910.146(k)(1)(ii): The employer did not ensure that each member of the rescue service was trained to perform the assigned rescue duties:

Facility - Steel Dynamics, Inc. designated the local fire department as the confined space rescue team, but there were no local fire departments who were trained to perform the duties of confined space rescue.

Steel Dynamics, Inc. was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1910.146(k)(1)(ii), which was contained in OSHA inspection number 309562825, citation number 1, item number 2c, issued on 08/01/2006, with respect to a workplace located at 8000 CR 225 East, Pittsboro, IN 46167.

**Date By Which Violation Must be Abated:** **11/22/2009**
**Proposed Penalty:** **$25,000.00**

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

29 CFR 1910.146(k)(1)(iv): The employer did not inform the rescue team or services of the hazards they may confront when called on to perform rescue at the site.

Facility - Steel Dynamics, Inc. did not inform the confined space rescue team of the hazards they may encounter when performing rescue in permit spaces including, but not limited to heat, carbon monoxide, oxygen deficient, and explosive atmospheres.

Steel Dynamics, Inc. was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1910.146(k)(1)(iv), which was contained in OSHA inspection number 309562825, citation number 1, item number 2d, issued on 08/01/2006, with respect to a workplace located at 8000 CR 225 East, Pittsboro, IN 46167.

**Date By Which Violation Must be Abated:** **11/22/2009**
**Proposed Penalty:** **$25,000.00**

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 313197634

**Inspection Dates:** 08/10/2009 - 10/01/2009

**Issuance Date:** 10/28/2009

**Safety Order and Notification of Penalty**

**Company Name:** Steel Dynamics, Inc.

**Inspection Site:** 5134 Loop Road, Jeffersonville, IN 47130

---

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

29 CFR 1910.146(k)(1)(v): The employer did not provide the rescue team or service with access to all permit spaces from which rescue may be necessary so that the rescue could develop appropriate rescue plans and practice rescue operations:

Facility - Steel Dynamics, Inc. had the Uttica Fire Department onsite on November 7, 2005. The onsite visit did not include permit required confined spaces, confined space rescue plans or rescue operations for permit spaces. No local fire departments in Clark County provide confined space rescue services.

Steel Dynamics, Inc. was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1910.146(k)(1)(v), which was contained in OSHA inspection number 309562825, citation number 1, item number 2e, issued on 08/01/2006, with respect to a workplace located at 8000 CR 225 East, Pittsboro, IN 46167.

**Date By Which Violation Must be Abated:** **11/22/2009**

**Proposed Penalty:** **$25,000.00**

Jeffry S. Carter
Deputy Commissioner of Labor

**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:** Steel Dynamics, Inc.
**Inspection Site:** 5134 Loop Road, Jeffersonville, IN 47130
**Issuance Date:** 10/28/2009

**Summary of Penalties for Inspection Number** 313197634

| | | |
|---|---|---|
| **Safety Order** 01, Serious | = | $45,000.00 |
| **Safety Order** 02, Knowing | = | $70,000.00 |
| **Safety Order** 03, Repeat | = | $125,000.00 |
| Total Proposed Penalties | | $240,000.00 |

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).

Jeffry S. Carter
Deputy Commissioner of Labor

10/28/09
Date