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 9107 9-1-11 JTB

Safety Order and Notification of Penalty

To:

Cast Metals Technology, Inc.,
and its successors
9011 West Mill Road
Yorktown, IN 47396

Inspection Site:

9011 West Mill Road
Yorktown, IN 47396

Inspection Number: 314740051

Inspection Date(s): 03/22/2011 - 08/19/2011

Issuance Date: 09/01/2011

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 09/01/2011. 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 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.95(b)(1): Feasible administrative or engineering controls were not utilized when employees were subjected to sound exceeding those listed in Table G-16 of this section.

Finishing and Cleaning Area, Grinding Area Located Against South Wall - A Grinder was exposed to continuous noise at 349.1% of the permissible daily noise (8-hour time-weighted average sound level of 90 dBA) or an equivalent sound level of approximately 99.02 dBA during the 460 minute sampling period on April 6, 2011. Zero exposure was assumed for the 20 minutes not sampled.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **$2,500.00**

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 1910.106(e)(2)(ii)(b)(2): More than 120 gallons of Class IB, IC, II or III flammable or combustible liquids in containers were located outside of inside storage room(s) or storage cabinet(s):

Front Storage Area - Approximately 300-gallons of Class II and IIIA Combustible Liquids such as, but not limited to Pep Set II 5230 Binder (Flash Point - 127 °F), Pep Set I 5110 Binder (Flash Point - 118 °F) and Isocure Focus II NFCO Binder (Flash Point - 142 °F) were stored near the overhead door in the Front Storage Area. Several cigarette butts were located directly in front and beneath the pallet which held the two 55-gallon drums of Pep Set II 5230 Binder and the two 55-gallon drums of Pep Set I 5110 Binder.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **$2,500.00**

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

29 CFR 1910.106(e)(2)(iv)(d): Flammable or combustible liquids were not drawn from or transferred into vessels, containers, or portable tanks within a building only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container or portable tanks by gravity through an approved self-closing valve:

Core Room - Employees transferred Isocure Focus I NFCO Binder, a Class IIIA Combustible Liquid (Flash Point - 162 °F), and Isocure Focus II NFCO Binder, a Class IIIA Combustible Liquid (Flash Point - 142 °F), from 55-gallon drums to various five-gallon plastic containers. Each of the 55-gallon drums of Isocure Focus I NFCO Binder and Isocure Focus II NFCO Binder were equipped with manually activated dispensing valves, which were not approved self-closing valves.

Date By Which Violation Must be Abated: Corrected During Inspection

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

29 CFR 1910.106(e)(6)(i): Adequate precautions against the ignition of flammable vapors were not taken:

Core Room - A natural gas torch that was run at a temperature of approximately 200 °F was hung on a clip located on the upper left portion of the Shell Core Machine located to the right of the overhead door. Due to the way in which the torch was hung on the Shell Core Machine, the flame from this torch was pointed directly in front of a 55-gallon drum of Pep Set I 5110 Binder (a Class II Combustible Liquid with a Flash Point of 118 °F).

Date By Which Violation Must be Abated: Corrected During Inspection

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

29 CFR 1910.134(c)(2)(ii): The employer did not establish and implement those elements of a written respiratory protection program necessary to ensure that any employee using a respirator voluntarily was medically able to use that respirator, and that the respirator was cleaned, stored and maintained so that its use did not present a health hazard to the user:

a) Foundry Area - Employees voluntarily wore respirators such as, but not limited to a North 7700-30M half-mask tight-fitting respirator with North P100 high-efficiency particulate air (HEPA) cartridges while dumping Olivine Black Sand into the Shakeout Hopper using the Bobcat. Bobcat Operators who voluntarily wore North 7700-30M half-mask tight-fitting respirators also stored their respirators on a table located directly outside of the entrance to the Break Room. The respirator was not stored inside of a bag or in a cabinet to protect it from dust and the inside of the respirator was exposed to all of the contaminants generated or located inside of the Foundry Area (including, but not limited to crystalline silica (quartz)).

b) Pattern Shop - Employees voluntarily wore respirators such as, but not limited to a North 7700 half-mask tight-fitting respirator with North P100 HEPA cartridges while sanding various parts on the sanding wheel.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: $2,500.00

Safety Order and Notification of Penalty

Company Name: Cast Metals Technology, Inc.

Inspection Site: 9011 West Mill Road, Yorktown, IN 47396

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 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

a) Outside of Facility, South Side of the Facility - Maintenance employees entered permit-required confined spaces (PRCSs) such as, but not limited to the Outdoor Sand Silo to install and/or repair the level indicator located inside of the silo. The Outdoor Sand Silo contained approximately 79,440 pounds (25.51 tons) of lake (white) sand, and all of the sand was not always emptied or drained prior to maintenance employees entering the silo.

b) Foundry Area - Maintenance employees entered PRCSs such as, but not limited to the Sand Storage Bin to perform maintenance and servicing activities on the mechanical and electrical components of the sand feeding system(s). The Sand Storage Bin, which diverges (tapers) as it enters the Mullor, was located approximately 16-18 feet above the floor and can hold approximately 10 tons of Olivine Black Sand.

Date By Which Violation Must be Abated: **Corrected During Inspection**

Proposed Penalty: **$2,500.00**

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

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

a) Outside of Facility, South Side of the Facility - Maintenance employees entered permit-required confined spaces (PRCSs) such as, but not limited to the Outdoor Sand Silo to install and/or repair the level indicator located inside of the silo. The Outdoor Sand Silo contained approximately 79,440 pounds (25.51 tons) of lake (white) sand, and all of the sand was not always emptied or drained prior to maintenance employees entering the silo.

b) Foundry Area - Maintenance employees entered PRCSs such as, but not limited to the Sand Storage Bin to perform maintenance and servicing activities on the mechanical and electrical components of the sand feeding system(s). The Sand Storage Bin, which diverges (tapers) as it enters the Mullor, was located approximately 16-18 feet above the floor and can hold approximately 10 tons of Olivine Black Sand.

Date By Which Violation Must be Abated: **Corrected During Inspection**

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

29 CFR 1910.146(c)(4): When the employer decided that its employees would enter permit spaces, the employer did not develop and implement a written permit space entry program that complied with 29 CFR 1910.146:

Facility Wide - Maintenance employees entered permit-required confined spaces (PRCSs) such as, but not limited to the Outdoor Sand Silo, the Sand Storage Silo and the Mullor. Although the employer developed a written Confined Space Program, this Confined Space Program did not contain all of the information required under 29 CFR 1910.146(d)-(k). Specifically, the CSEP had deficiencies such as, but not limited to:

- None of the PRCSs located throughout the facility were listed or referred to in the Confined Space Program
- No air monitoring of the atmosphere inside of the PRCS was performed prior to or at any time during entry into any PRCSs
- Although the Confined Space Program did include a Confined Space Entry Permit, this permit did not have all of the elements required under 29 CFR 1910.146(f). The employer also did not use or fill out the Confined Space Entry Permit during entries into PRCSs
- Although the CSEP had a "Training" Section, employees were not provided effective PRCS training prior to, during or after entering PRCSs
- Although the Confined Space Program has a "Rescue and Emergency Services" Section, the employer has not specifically established or designated any confined space entry rescue service for the facility

Date By Which Violation Must be Abated: 09/28/2011

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

29 CFR 1910.178(q)(1): Any power-operated industrial truck not in safe operating condition was not removed from service:

Facility Wide - The Caterpillar Model GC25K Propane Forklift emitted between approximately 6.78% (67,800 parts per million (ppm)) and 10.25% (102,500 ppm) of carbon monoxide (CO).

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: $875.00

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

29 CFR 1910.1030(c)(1)(i): Each employer having an employee(s) with occupational exposure did not established as defined by paragraph (b) of this section did not establish a written Exposure Control Plan designed to eliminate or minimize employee exposure:

Facility Wide - Four employees were designated by the employer as emergency (first) responders and were required to respond to any medical emergency that arose throughout the facility. None of these emergency responders were offered the Hepatitis B vaccination, or provided bloodborne pathogens (BBP) training.

Date By Which Violation Must be Abated: **09/28/2011**
Proposed Penalty: **$875.00**

Safety Order 1 Item 7 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 been previously trained about was introduced to their work area:

Facility Wide - Employees worked with chemicals such as, but not limited to Olivine Black Sand (contained 1.0-5.0% Crystalline Silica(Quartz)), Western Bentonite (contained 1.0% Crystalline Silica(Cristobalite)) and Southern Bentonite (contained 0.5-1.0% Crystalline Silica(Quartz)), Shell Process Resin-Coated Sand (contained 95% Crystalline Silica and 1.0-5.0% formaldehyde), Corfix 19 (contained 30-60% Crystalline Silica), Isocure Focus I & II (Combustible Liquids), Pep Set I & II (Combustible Liquids), Kwik-Kast (contained methylene bisphenyl isocyanate (MDI)), Hapflex 665 (contained MDI) and RP 132 Resin (contained MDI).

Date By Which Violation Must be Abated: **09/28/2011**
Proposed Penalty: **$875.00**

Safety Order and Notification of Penalty
Company Name: Cast Metals Technology, Inc.
Inspection Site: 9011 West Mill Road, Yorktown, IN 47396

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

29 CFR 1904.10(a): When an employee's hearing test (audiogram) revealed that the employee had experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level was 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, the employer did not record the case on the OSHA 300 Log:

a) Facility Wide - In 2011, A Mullor and Bobcat Operator experienced an average standard threshold shift (STS) of approximately 11.33 dB in their right ear. Although this STS was a recordable injury, the employer did not record this STS on the 2011 OSHA 300 Log.

b) Facility Wide - In 2010, A Core Maker experienced an average STS of approximately 37.0 dB in their left ear. A Sander/Deburer experienced average STSs of approximately 20.0 dB and 40.0 dB in their left and right ears respectively. Although these STSs were recordable injuries, the employer did not record these STSs on the 2010 OSHA 300 Log.

Date By Which Violation Must be Abated: **09/28/2011**
Proposed Penalty: **$700.00**

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

29 CFR 1910.134(c)(2)(i): Where the employer determined that any voluntary respirator use was permissible, the employer did not provide the respirator users with information contained in Appendix D of this section:

a) Foundry Area - Employees voluntarily wore respirators such as, but not limited to a North 7700-30M half-mask tight-fitting respirator with North P100 high-efficiency particulate air (HEPA) cartridges while dumping Olivine Black Sand into the Shakeout Hopper using the Bobcat.

b) Pattern Shop - Employees voluntarily wore respirators such as, but not limited to a North 7700 half-mask tight-fitting respirator with North P100 HEPA cartridges while sanding various parts on the sanding wheel.

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

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number:	314740051
Inspection Dates:	03/22/2011 - 08/19/2011
Issuance Date:	09/01/2011

Safety Order and Notification of Penalty

Company Name: Cast Metals Technology, Inc.
Inspection Site: 9011 West Mill Road, Yorktown, IN 47396

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

29 CFR 1910.1048(d)(1)(i): Employees of a workplace covered by this standard were not monitored to determine their exposure to formaldehyde:

Core Room - Core Makers used Shell Process Resin-Coated Sand when making cores. A handheld natural gas torch (rated at approximately 200 °F) was also used to manually heat the sand (mold) while it was inside of the Shell Core Machines. The Shell Process Resin-Coated Sand contained a phenolic resin, which when heated could potentially generate and/or release formaldehyde.

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: Cast Metals Technology, Inc.
Inspection Site: 9011 West Mill Road, Yorktown, IN 47396
Issuance Date: 09/01/2011

Summary of Penalties for Inspection Number 314740051

Safety Order 01, Serious	=	$12,625.00
Safety Order 02, Nonserious	=	$700.00
Total Proposed Penalties		$13,325.00

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 n 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

9-1-11
Date