

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington Street, Rooms W195  
Indianapolis, Indiana 46204  
Phone: (317) 232-1979 FAX: (317) 233-3790



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## Notice of Failure to Correct Violation

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**To:**  
Selected Furniture, LLC  
and its successors  
1001 W. Culver Rd  
Knox, IN 46534

**Original Inspection Number:** 316955368  
**Original Inspection Date(s):** 3/20/2013  
**Original Inspection Number:** 316955426  
**Original Inspection Date(s):** 4/05/2013  
**Inspection Number:** 318131455  
**Inspection Date(s):** 06/02/2021 - 09/08/2021  
**Issuance Date:** 11/9/2021

**Inspection Site:**  
1001 W. Culver Rd  
Knox, IN 46534

*The violations described in this Notice of Failure to Correct Violation are alleged to have occurred on or about the days the inspection was made unless otherwise indicated within the description given below.*

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After the original inspection, a Safety Order and Notification of Penalty was issued to you in accordance with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code § 22-8-1.1) or the standards or rules adopted thereunder (the Act), notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon re-inspection, it is alleged that you have failed to abate the violations listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty for each violation cited is computed by multiplying a daily penalty times the number of days the violations remained unabated. You are to notify the Director in writing of the date and nature of the corrective action taken. If you do not abate the violations or pay the penalties, further penalties may be proposed and other enforcement action to compel abatement may be taken under Indiana Code § 22-8-1.1.

**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 (Notice of Failure to Correct Violation, 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 (15) 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 Notice of Failure to Correct Violation.**

**Right to Contest** - You are hereby also notified that you are entitled to seek administrative review of the Notice of Failure to Correct Violation and penalties, or both by filing a written petition for review at the above address **postmarked within fifteen (15) working days** of your receipt of the Notice of Failure to Correct Violation. "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 (Petition), the Notice of Failure to Correct Violation and penalties shall be deemed Final Orders and not subject to review by any court or agency.** The issuance of a Notice of Failure to Correct Violation does not constitute a finding that a violation has occurred unless no Petition is filed, or if a Petition is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of a Petition, IOSHA will affirm, amend, or dismiss the Notice of Failure to Correct Violation and penalties. If IOSHA affirms, the Petition will be granted (unless it was not timely) and the dispute will be certified to the Indiana Board of Safety Review for further proceedings. The Indiana Board of Safety Review is an independent board appointed by the governor with authority to conduct legal proceedings leading up to and including administrative hearings or assign an Administrative Law Judge (ALJ) to conduct the same, and to issue decisions concerning disputed Notice of Failure to Correct Violation. If IOSHA amends the Notice of Failure to Correct Violation or penalties, the Petition shall be deemed moot. However, the employer will then be given an opportunity to file a Petition concerning the amended Notice of Failure to Correct Violation and penalties.

**Posting** - Upon receipt of any Notice of Failure to Correct Violation, you are required to post such Notice of Failure to Correct Violation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the Notice of Failure to Correct Violation occurred. However, if your operations are such that it is not practicable to post the Notice of Failure to Correct Violation at or near each place of alleged violation, such Notice of Failure to Correct Violation 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 Notice of Failure to Correct Violation may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the Notice of Failure to Correct Violation is not altered, defaced, or covered by other material. Posting shall be until the violations are 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.

Checks or money orders must be payable to "Indiana DOL/IOSHA." Please indicate IOSHA's Inspection Number on the remittance.

**Abatement** - The conditions cited in the Notice of Failure to Correct Violation must be corrected (abated) immediately and proof of abatement must be sent by email to [AbatementGI@dol.in.gov](mailto:AbatementGI@dol.in.gov) 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 Indiana Board of Safety Review or the courts which requires compliance with the Notice of Failure to Correct Violation; or

(2) The abatement period is extended by IOSHA by the granting of a written Petition for Modification of Abatement Date (see section for **Petition for Modification of Abatement Date** below).

**Notification of Corrective Action** - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to IOSHA. The certification **must** be sent by you

within **ten (10) calendar days** of receiving the Notice of Failure to Correct Violation. For **Knowing** and **Repeat** violations, documents (examples: photos, copies of recipes, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the Notice of Failure to Correct Violation is classified as Serious and the Notice of Failure to Correct Violation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate.

For each Notice of Failure to Correct Violation where you contest the abatement of the hazards cited, your obligation to submit abatement certification and any documents is delayed until the contest and the ten-day (10 day) period after the abatement date have expired. See 29 CFR 1903.19 and the IOSHA Closing Conference Guide for more information.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the Notice of Failure to Correct Violation and Notice of Failure to Correct Violation item numbers to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to IOSHA, also be posted at the location where the violation appeared, and the corrective action took place.

**Petition for Modification of Abatement Date** - The Petition for Modification of Abatement Date (PMA) 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 Notice of Failure to Correct Violation, 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 PMA shall be in writing, submitted by email to [AbatementGI@dol.in.gov](mailto:AbatementGI@dol.in.gov), and shall include the following information:

- (1) All steps you have taken, and the dates of such actions, to achieve compliance during the prescribed abatement period.
- (2) The specific additional abatement time necessary 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 PMA 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 PMA shall be filed in writing 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 PMA shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A

copy of such PMA shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The PMA shall remain posted until the time 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 PMA.

**Follow-up Inspections** - Please be advised that a follow-up inspection may be made for the purpose of ascertaining that you have posted the Notice of Failure to Correct Violation 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 an employer from discriminating against an employee for filing a complaint or for exercising any rights under the Indiana Occupational Safety and Health Act (Indiana Code § 22-8-1.1). An employee who believes that he or 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.

# Indiana Department of Labor

## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An Informal Conference has been scheduled with IOSHA to discuss the safety order(s) issued on

\_\_\_\_\_.

The Informal Conference will be held:

\_\_\_\_\_ Virtually/Telephonically via Microsoft Teams

Call-in Number: \_\_\_\_\_

Conference ID: \_\_\_\_\_

\_\_\_\_\_ In-person at the Indiana Department of Labor, located at the following address:

402 West Washington Street, Room W195  
Indianapolis, Indiana 46204

Meeting/Conference Room: \_\_\_\_\_

Employees and/or representatives of employees have a right to attend an Informal Conference.

## Indiana Department of Labor

Indiana Occupational Safety and Health Administration

### Notification of Failure to Correct Violation

**Original Inspection:** 316955368  
**Original Inspection Date(s):** 3/20/2013

**Inspection Number:** 318131455  
**Inspection Date(s):** 06/02/2021 - 09/08/2021  
**Issuance Date:** 11/9/2021  
**CSHO ID:** K9073  
**Optional Report No.:** 11-21

**Company Name:** Selected Furniture, LLC  
**Inspection Site:** 1001 W. Culver Rd, Knox, IN 46534

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#### **Safety Order 01 Item 002**

29 CFR 1910.133(a)(1): Protective eye and face equipment was not required where there was a reasonable probability of injury that could be prevented by such equipment:

Facility wide - The production employees who were wearing prescription glasses were not required to wear safety glasses that fit over their prescription glasses and have not been provided safety glasses that incorporate the prescription into their lenses while performing duties such as, but not limited to cutting wood with table saws and using staple guns.

#### FAILURE TO ABATE

On January 25, 2016, a follow-up inspection determined that production employees were not wearing safety glasses when they wore prescription glasses. For a period of thirty (30) or more days, including (30) days from July 8, 2013, the employer failed to provide personal protective equipment as required by the terms of the Safety Order and Notification of Penalty issued in re-inspection of Selected Furniture, LLC, and its Successors, Inspection No. 316955368, part of the citations issued to the employer on June 28, 2013, and the Final Order resulting therefrom.

On June 2, 2021, a follow-up inspection determined that production employees were not wearing safety glasses. For a period of thirty (30) or more days, including (30) days from July 8, 2013, the employer failed to provide personal protective equipment as required by the terms of the Safety Order and Notification of Penalty issue in re-inspection of Selected Furniture, LLC, and its Successors, Inspection No. 316955368, part of the citations issued to the employer on June 28, 2013, and the Final Order resulting therefrom.

**FAILURE TO ABATE Safety Order 01 Item 002, INSPECTION NO. 316955368, ISSUED ON June 28, 2013.**

**Additional Penalty:**  
**\$210,000.00**

## Indiana Department of Labor

Indiana Occupational Safety and Health Administration

### Notification of Failure to Correct Violation

**Original Inspection:** 316955368  
**Original Inspection Date(s):** 3/20/2013

**Inspection Number:** 318131455  
**Inspection Date(s):** 06/02/2021 - 09/08/2021  
**Issuance Date:** 11/9/2021  
**CSHO ID:** K9073  
**Optional Report No.:** 11-21

**Company Name:** Selected Furniture, LLC  
**Inspection Site:** 1001 W. Culver Rd, Knox, IN 46534

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

#### **Safety Order 01 Item 003a**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

Facility wide - The production employees were using chemicals such as, but not limited to: Sayerlack Innovation Wood Solutions product TU0020/00 and SC41 Series coatings, acetone, and Wilsonart International 951 glue.

#### FAILURE TO ABATE

On January 25, 2016, a follow-up inspection determined that production employees were not provided a hazard communication program. For a period of thirty (30) or more days, including (30) days from July 8, 2013, the employer failed to develop a hazard communication program as required by the terms of the Safety Order and Notification of Penalty issued in re-inspection of Selected Furniture, LLC, and its Successors, Inspection No. 316955368, part of the citations issued to the employer on June 28, 2013, and the Final Order resulting therefrom.

On June 2, 2021, a follow-up inspection determined that a hazard communication program was in writing, however it required the employees to notify the employer of any chemicals they had not been trained on. For a period of thirty (30) or more days, including (30) days from July 8, 2013, the employer failed to develop a hazard communication program as required by the terms of the Safety Order and Notification of Penalty issue in re-inspection of Selected Furniture, LLC, and its Successors, Inspection No. 316955368, part of the citations issued to the employer on June 28, 2013, and the Final Order resulting therefrom.

**FAILURE TO ABATE Safety Order 01 Item 003a, INSPECTION NO. 316955368, ISSUED ON June 28, 2013.**

**Additional Penalty:  
\$52,500.00**



## Indiana Department of Labor

Indiana Occupational Safety and Health Administration

### Notification of Failure to Correct Violation

**Original Inspection:** 316955368  
**Original Inspection Date(s):** 3/20/2013

**Inspection Number:** 318131455  
**Inspection Date(s):** 06/02/2021 - 09/08/2021  
**Issuance Date:** 11/9/2021  
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**Optional Report No.:** 11-21

**Company Name:** Selected Furniture, LLC  
**Inspection Site:** 1001 W. Culver Rd, Knox, IN 46534

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#### Safety Order 01 Item 003c

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

Facility wide - Employees were not provided effective information or training when using chemicals such as, but not limited to, Sayerlack Innovation Wood Solutions product TU0020/00 and SC41 Series coatings, acetone, and Wilsonart International 951 glue.

#### FAILURE TO ABATE

On January 25, 2016, a follow-up inspection determined that production employees were using polyurethane basecoat transparent without training on the hazardous chemical. For a period of thirty (30) or more days, including (30) days from July 8, 2013, the employer failed to provide employees effective training as required by the terms of the Safety Order and Notification of Penalty issued in re-inspection of Selected Furniture, LLC, and its Successors, Inspection No. 316955368, part of the citations issued to the employer on June 28, 2013, and the Final Order resulting therefrom.

On June 2, 2021, a follow-up inspection determined that production employees were using Sherwood dip stains without training on the hazardous chemical. For a period of thirty (30) or more days, including (30) days from July 8, 2013, the employer failed to provide employees effective training as required by the terms of the Safety Order and Notification of Penalty issue in re-inspection of Selected Furniture, LLC, and its Successors, Inspection No. 316955368, part of the citations issued to the employer on June 28, 2013, and the Final Order resulting therefrom.

**FAILURE TO ABATE Safety Order 01 Item 003c, INSPECTION NO. 316955368, ISSUED ON June 28, 2013.**

**Additional Penalty:**  
**\$210,000.00**

## Indiana Department of Labor

Indiana Occupational Safety and Health Administration

### Notification of Failure to Correct Violation

**Original Inspection:** 316955426  
**Original Inspection Date(s):** 04/05/2013

**Inspection Number:** 318131455  
**Inspection Date(s):** 06/02/2021 - 09/08/2021  
**Issuance Date:** 11/9/2021  
**CSHO ID:** K9073  
**Optional Report No.:** 11-21

**Company Name:** Selected Furniture, LLC  
**Inspection Site:** 1001 W. Culver Rd, Knox, IN 46534

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

#### **Safety Order 01 Item 001a**

29 CFR 1910.213(c)(1): Circular handfed ripsaw(s) were not guarded by an automatically adjusting hood which completely enclosed that portion of the saw above the table and above the material being cut:

a) Booths/laminate Department - A Powermatic, model 66, serial 886626, 440-volt hand-fed ripsaw was being used by employees to cut material to size by both cross cutting and ripping.

#### FAILURE TO ABATE

On January 25, 2016, a follow-up inspection determined that guarding was not in place for the Powermatic, model 66 circular hand-fed ripsaw blade. For a period of thirty (30) or more days, including (30) days from July 8, 2013, the employer failed to provide guarding as required by the terms of the Safety Order and Notification of Penalty issued in re-inspection of Selected Furniture, LLC, and its Successors, Inspection No. 316955426, part of the citations issued to the employer on June 28, 2013, and the Final Order resulting therefrom.

On June 2, 2021, a follow-up inspection determined that guarding was not in place for the Powermatic, model 66 circular hand-fed ripsaw blade. For a period of thirty (30) or more days, including (30) days from July 8, 2013, the employer failed to provide guarding as required by the terms of the Safety Order and Notification of Penalty issue in re-inspection of Selected Furniture, LLC, and its Successors, Inspection No. 316955426, part of the citations issued to the employer on June 28, 2013, and the Final Order resulting therefrom.

b) Booths/laminate Department - A Jet Equipment & Tools, 14"/16" Tilting Arbor Tablesaw, Model CTAS-1476LFR, Stock No. 708432 hand-fed rip saw was being used by employees to cut material to size by both cutting and ripping.

#### FAILURE TO ABATE

On January 25, 2016, a follow-up inspection determined that guarding was not in place for the Jet Equipment & Tools Tilting Arbor Tablesaw circular hand-fed rip saw blade. For a period of thirty (30) or more days, including (30) days from July 8, 2013, the employer failed to provide guarding as required by the terms of the Safety Order and Notification of Penalty issued in re-inspection of Selected Furniture, LLC, and its Successors, Inspection No. 316955426, part of the citations issued to the employer on June 28, 2013, and the Final Order resulting therefrom.

On June 2, 2021, a follow-up inspection determined that guarding was not in place for the Jet Equipment & Tools Tilting Arbor Tablesaw circular hand-fed rip saw blade. For a period of thirty (30) or more days, including (30) days from July 8, 2013, the employer failed to provide guarding as required by the terms of the Safety Order and Notification of Penalty issue in re-inspection of Selected Furniture, LLC, and its Successors, Inspection No. 316955426, part of the citations issued to the employer on June 28, 2013, and the Final Order resulting therefrom.

**FAILURE TO ABATE Safety Order 01 Item 001a, INSPECTION NO. 316955426, ISSUED ON June 28, 2013.**

**Additional Penalty:  
\$210,000.00**

## Indiana Department of Labor

Indiana Occupational Safety and Health Administration

### Notification of Failure to Correct Violation

**Original Inspection:** 316955426  
**Original Inspection Date(s):** 04/05/2013

**Inspection Number:** 318131455  
**Inspection Date(s):** 06/02/2021 - 09/08/2021  
**Issuance Date:** 11/9/2021  
**CSHO ID:** K9073  
**Optional Report No.:** 11-21

**Company Name:** Selected Furniture, LLC  
**Inspection Site:** 1001 W. Culver Rd, Knox, IN 46534

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#### Safety Order 01 Item 001c

29 CFR 1910.213(c)(3): Hand-fed rip saw(s) did not have non kickback fingers or dogs so located as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator:

a) Booths/laminate Department - A Powermatic, model 66, serial 886626, 440-volt hand-fed rip saw was being used by employees to cut material to size by both cross cutting and ripping.

#### FAILURE TO ABATE

On January 25, 2016, a follow-up inspection determined that non kickback fingers or dogs were not in place for the Powermatic, model 66 circular hand-fed rip saw blade. For a period of thirty (30) or more days, including (30) days from July 5, 2013, the employer failed to install non kickback fingers or dogs as required by the terms of the Safety Order and Notification of Penalty issued in re-inspection of Selected Furniture, LLC, and its Successors, Inspection No. 316955426, part of the citations issued to the employer on June 28, 2013, and the Final Order resulting therefrom.

On June 2, 2021, a follow-up inspection determined that non kickback fingers or dogs were not in place for the Powermatic, model 66 circular hand-fed rip saw blade. For a period of thirty (30) or more days, including (30) days from July 5, 2013, the employer failed to install non kickback fingers or dogs as required by the terms of the Safety Order and Notification of Penalty issue in re-inspection of Selected Furniture, LLC, and its Successors, Inspection No. 316955426, part of the citations issued to the employer on June 28, 2013, and the Final Order resulting therefrom.

b) Booths/laminate Department - A Jet Equipment & Tools, 14"/16" Tilting Arbor Tablesaw, Model CTAS-1476LFR, Stock No. 708432 hand-fed ripsaw was being used by employees to cut material to size by both cutting and ripping.

#### FAILURE TO ABATE

On January 25, 2016, a follow-up inspection determined that non kickback finger or dogs were not in place for the Jet Equipment & Tools Tilting Arbor Tablesaw circular hand-fed ripsaw blade. For a period of thirty (30) or more days, including (30) days from July 5, 2013, the employer failed to install non-kickback fingers or dogs as required by the terms of the Safety Order and Notification of Penalty issued in re-inspection of Selected Furniture, LLC, and its Successors, Inspection No. 316955426, part of the citations issued to the employer on June 28, 2013, and the Final Order resulting therefrom.

On June 2, 2021, a follow-up inspection determined that non kickback finger or dogs were not in place for the Jet Equipment & Tools Tilting Arbor Tablesaw circular hand-fed ripsaw blade. For a period of thirty (30) or more days, including (30) days from July 5, 2013, the employer failed to install non-kickback fingers or dogs as required by the terms of the Safety Order and Notification of Penalty issue in re-inspection of Selected Furniture, LLC, and its Successors, Inspection No. 316955426, part of the citations issued to the employer on June 28, 2013, and the Final Order resulting therefrom.

#### **FAILURE TO ABATE Safety Order 01 Item 001c, INSPECTION NO. 316955426, ISSUED ON June 28, 2013.**

**Additional Penalty:  
\$210,000.00**



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Jameson Berry  
Director of General Industry