

## SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as “Commissioner”) and Elsa LLC (hereinafter referred to as “Employer” or “ER”) hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty IOSHA Inspection No. 318111044 issued to the Employer on November 6, 2019 in the following manner:

### SAFETY ORDER 01:

- Item 1: Upheld. Penalty is reduced to \$3000. Abatement extended to January 13, 2020.
- Item 2a and 2b: Upheld. Penalty remains \$3500. Abatement extended to January 13, 2020.
- Item 3a and 3b: Upheld. Penalty is reduced to \$2500. Abatement extended to January 13, 2020.
- Item 3c and 3d: Deleted. Penalty is reduced to Zero Dollars \$0.
- Item 4: Reduced to Nonserious. Penalty is reduced to Zero Dollars \$0.  
Abatement completed.
- Item 5a-5h: Deleted. Penalty is reduced to Zero Dollars (\$0).
- Item 6a: Upheld and amended as a violation of 1910.1200(e)(1).  
Penalty remains \$5000. Abatement extended to January 13, 2020.

The Standard Alleged Violation is amended to the following:

1910.1200(e)(1): Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

The Alleged Violation Description is amended to the following:

Hazard communication training did not include the health and/or physical hazards associated with Chromium VI for employees with potential exposure during welding operations.

- (a) Main Building - The hazard communication program did not include the specifics of Chromium VI for employees with potential exposure during welding operations.
- (b) Main Building - Employees with potential exposure to Chromium VI during welding operations were unaware of the specifics of the Chromium VI standard and its requirements for training.
- (c) Main Building - Copies of the Chromium VI standard and its appendix were not maintained for employee review.
- (d) Main Building - The health hazards associated with employee use of Prostar Solvent Anti-Spatter (90-100% Methylene Chloride) in the welding process were not covered in the hazard communication program.
- (e) Main Building - The hazard communication program did not cover Methylene Chloride hazards as contained in Prostar Solvent Anti-Spatter (90-100% Methylene Chloride) used in the welding process.

- (f) Main Building - Employees who used Prostar Solvent Anti-Spatter (90-100% Methylene Chloride) in the welding process were not trained in the hazards of Methylene Chloride prior to being assigned to an area with this product in use.
- (g) Main Building - Employees who used Prostar Solvent Anti-Spatter (90-100% Methylene Chloride) in the welding process were not informed or trained in the Methylene Chloride standard (29 CFR 1910.1052) and the requirements contained therein.

Item 6b: Deleted. Penalty remains Zero Dollars (\$0).  
Item 6c: Deleted. Penalty remains Zero Dollars (\$0).  
Item 6d: Deleted. Penalty remains Zero Dollars (\$0).  
Item 6e: Deleted. Penalty remains Zero Dollars (\$0).  
Item 7a: Upheld. Penalty reduced to \$4000. Abatement was CDI.  
Item 7b and 7c: Deleted. Penalty is reduced to Zero Dollars (\$0).  
Item 8a-8e: Upheld and Grouped in Item 6a. Penalty is reduced to Zero Dollars (\$0).

In consideration of the above amendments, the Employer:

1. Employer hired a private safety consultant to aid in the completion of a respiratory program.
2. Employer agrees to conduct an additional sampling for hexavalent chromium by January 13, 2020.
3. Employer completed an audit of facility light sensors to ensure no gaps in protection.
4. Employer researched and changed products to discontinue use of methylene chloride.
5. Employer will send all documentation and abatement to IOSHA's email AbatementGI@DOL.IN.GOV.

**The TOTAL AGREED PENALTY is \$18,000.**

THE EMPLOYER IS SATISFIED WITH THE AMENDMENTS STATED ABOVE AND ACCORDINGLY WAIVES ITS RIGHT TO FILE A NOTICE OF CONTEST OF THE SAFETY ORDER(S) AND NOTIFICATION(S) OF PENALTY AS AMENDED AND AGREES TO WITHDRAW ANY PREVIOUSLY FILED NOTICES OF CONTEST IN THIS MATTER.

Upon full execution of this Settlement Agreement ("Agreement") the Employer will post this Agreement for three (3) working days or until abatement is completed, whichever period is longer.

The Safety Order(s) and Notification(s) of Penalty are, and shall be, herein a final and enforceable Order of the Board of Safety Review.

The total AGREED PENALTY is due and payable within fifteen (15) working days from the Employer's execution of this Agreement. The Employer further agrees that if the AGREED PENALTY is not paid within fifteen working days from the Employer's execution of this Agreement, that the full amount of the penalty initially assessed against the Employer in the Safety Order(s) and Notification(s) of Penalty which are the subject of this Agreement is due and payable immediately.

Except for this Agreement, and IOSHA matters arising out of this Agreement, and any other subsequent IOSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by Employer shall be deemed an admission by Employer of the allegations contained within the Safety Order(s) and Notification(s) of Penalty. The agreements, statements, findings and actions taken herein are made in order

\*CDI denotes that abatement was Completed During Inspection.

Note: EE refers throughout the document to Employee

to compromise and settle this IOSHA matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

ELSA LLC

By: *John Rivera*

Title: HUMAN RESOURCES MGR

Date: 12-2-19

COMMISSIONER OF LABOR

By: \_\_\_\_\_

Title: Director

Date: 12-2-19

\*CDI denotes that abatement was Completed During Inspection.  
Note: EE refers throughout the document to Employee

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington St - Room W195  
Indianapolis, IN 46204  
Phone: (317)232-2691 FAX: (317)233-3790



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## Safety Order and Notification of Penalty

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**To:**  
ELSA LLC  
and its successors  
1240 South State Road 37  
Elwood, IN 46036

**Inspection Number:** 318111044  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019

**Inspection Site:**  
1240 South State Road 37  
Elwood, IN 46036

*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.*

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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 and proof of abatement must be sent to the email address: [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 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 be sent to the email address: [AbatementGI@dol.in.gov](mailto:AbatementGI@dol.in.gov) 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 sending the Petition to [AbatementGI@dol.in.gov](mailto:AbatementGI@dol.in.gov). 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 and sent to the email address [AbatementGI@dol.in.gov](mailto:AbatementGI@dol.in.gov). 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 via email at [AbatementGI@dol.in.gov](mailto:AbatementGI@dol.in.gov), 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 11/6/2019. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

**Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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**Safety Order 01 Item 001**                      Type of Violation: **Serious**

29 CFR 1910.36(g)(2): Exit access(es) were not at least 28 inches (71.1 cm) wide at all points.

Welding Production Area - Working aisles such as, but not limited to; production lines AT and BG, had obstacles/production materials within the workspaces that reduced the escape routes to 13 inches for AT and materials at the beginning of the lines that completely blocked access to both AT and BG areas.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$3,500.00**

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Occupational Safety and Health Administration

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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 002a**                      Type of Violation: **Serious**

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

Main Building/Aftermarket Building - A certified workplace hazard assessment was not performed that considered personal protective equipment for work processes that involved hazards such as, but not limited to; arc flash, Chromium VI exposures, and Methylene Chloride exposures.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$3,500.00**



Occupational Safety and Health Administration

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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**

Type of Violation: **Serious**

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

Aftermarket Building - No written respiratory protection program was developed for mandatory use of respirators such as, but not limited to; a Miller T94-R Welding Helmet respirator, during welding operations.

The employer shall include in the program the following provisions of this section, as applicable: (i) Procedures for selecting respirators for use in the workplace; (ii) Medical evaluations of employees required to use respirators; (iii) Fit testing procedures for tight-fitting respirators; (iv) Procedures for proper use of respirators in routine and reasonable foreseeable emergency situations; (v) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators; (vi) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators; (vii) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations; (viii) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance, and; (ix) Procedures for regularly evaluating the effectiveness of the program.

**Date By Which Violation Must Be Abated:**

**12/12/2019**

**Proposed Penalty:**

**\$5,000.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Safety Order 01 Item 003b**                      Type of Violation: **Serious**

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace; including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminant-s chemical state and physical form:

Main Facility and Aftermarket Building - Respiratory hazards such as, but not limited to: Chromium VI (stainless steel welding) and Methylene Chloride (anti-spatter spray) were not evaluated to identify employee exposure levels.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

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Occupational Safety and Health Administration

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**Safety Order 01 Item 003c**                      Type of Violation: **Serious**

29 CFR 1910.1026(d)(1): The employer did not determine the 8-hour time-weighted average (TWA) exposure for each employee exposed to chromium (VI) in accordance with either paragraph (d)(2) or paragraph (d)(3) of this section:

Main Building - No employee exposure record for air monitoring was produced for welding operations involving stainless steel with a recorded exposure to Chromium VI (CrVI) at .6365 micrograms per cubic meter of air (ug/m3) for an eight (8) hour time-weighted average (TWA); approximately 1.27 times the permissible exposure limit (PEL) of .5 ug/m3. The exposure was derived from a 456 minute sampling period conducted on May 16, 2019. Zero exposure was assumed for the 24 minutes not sampled.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**



**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**CSHO ID:** G1128  
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**Safety Order and Notification of Penalty**

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**Safety Order 01 Item 004**                      Type of Violation: **Serious**

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

Facility - Guarding to prevent employee access to the robotic welding area was inadequate on machines such as, but not limited to; BH12-2, in that the light curtain was not adjusted to prevent access to the cell from waist height down to the ground.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$5,000.00**



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### **Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
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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 005a**                      Type of Violation: **Serious**

29 CFR 1910.1026(c): Employees were exposed to an airborne concentration of chromium (VI) which exceeded 5 micrograms per cubic meter of air, as an 8-hour time-weighted average:

Main Building - An employee who performed and/or worked in close proximity to welding operations on stainless steel was exposed to Chromium VI (CrVI) at .6365 micrograms per cubic meter of air (ug/m3) for an eight (8) hour time-weighted average (TWA); approximately 1.27 times the permissible exposure limit (PEL) of .5 ug/m3. The exposure was derived from a 456 minute sampling period conducted on May 16, 2019. Zero exposure was assumed for the 24 minutes not sampled.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$5,000.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Safety Order 01 Item 005b**                      Type of Violation: **Serious**

29 CFR 1910.1026(e)(1): The employer did not establish a regulated area wherever an employee's exposure to airborne concentrations of chromium (VI) was, or could reasonably be expected to be, in excess of the permissible exposure limit:

Main Building - No regulated area was implemented for welding operations involving stainless steel with a recorded exposure to Chromium VI (CrVI) at .6365 micrograms per cubic meter of air (ug/m3) for an eight (8) hour time-weighted average (TWA); approximately 1.27 times the permissible exposure limit (PEL) of .5 ug/m3. The exposure was derived from a 456 minute sampling period conducted on May 16, 2019. Zero exposure was assumed for the 24 minutes not sampled.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

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**Safety Order 01 Item 005c**                      Type of Violation: **Serious**

29 CFR 1910.1026(f)(1)(i): Except as permitted in paragraph (f)(1)(ii) and paragraph (f)(1)(iii) of this section, the employer did not use engineering and work practice controls to reduce and maintain employee exposure to chromium (VI) to or below the PEL unless the employer could demonstrate that such controls were not feasible. Wherever feasible engineering and work practice controls were not sufficient to reduce employee exposure to or below the PEL, the employer did use them to reduce employee exposure to the lowest levels achievable, and did not supplement them by the use of respiratory protection that complies with the requirements of paragraph (g) of this section:

Main Building - The local exhaust system was inadequate to reduce employee exposures in welding operations involving stainless steel below the permissible exposure limit in that there was a recorded exposure to Chromium VI (CrVI) at .6365 micrograms per cubic meter of air (ug/m3) for an eight (8) hour time-weighted average (TWA); approximately 1.27 times the permissible exposure limit (PEL) of .5 ug/m3. The exposure was derived from a 456 minute sampling period conducted on May 16, 2019. Zero exposure was assumed for the 24 minutes not sampled.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

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**Safety Order 01 Item 005d**                      Type of Violation: **Serious**

29 CFR 1910.1026(g)(1)(i): The employer did not provide each employee an appropriate respirator during periods necessary to install or implement feasible engineering and work practice controls:

Main Building - Respiratory protection was not provided when engineering controls were insufficient to reduce employee exposures to Cr(VI) below the PEL. Air sampling for welding operations involving stainless steel had a recorded exposure to Chromium VI (CrVI) at .6365 micrograms per cubic meter of air (ug/m<sup>3</sup>) for an eight (8) hour time-weighted average (TWA); approximately 1.27 times the permissible exposure limit (PEL) of .5 ug/m<sup>3</sup>. The exposure was derived from a 456 minute sampling period conducted on May 16, 2019. Zero exposure was assumed for the 24 minutes not sampled.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

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**Safety Order 01 Item 005e**                      Type of Violation: **Serious**

29 CFR 1910.1026(g)(2): The employer required respirator use for protection against chromium (VI); however, the employer did not institute a respiratory protection program in accordance with the Respiratory Protection standard, 29 CFR 1910.134, which covers each employee required to use a respirator:

Aftermarket Manufacturing Building - No respiratory protection program was in place for required respirator use for welding operations involving stainless steel. A employee exposure to Chromium VI (CrVI) at .6365 micrograms per cubic meter of air (ug/m<sup>3</sup>) for an eight (8) hour time-weighted average (TWA); approximately 1.27 times the permissible exposure limit (PEL) of .5 ug/m<sup>3</sup> was recorded in the main building. The exposure was derived from a 456 minute sampling period conducted on May 16, 2019. Zero exposure was assumed for the 24 minutes not sampled.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

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**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

### **Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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**Safety Order 01 Item 005f**                      Type of Violation: **Serious**

29 CFR 1910.1026(h)(1): A hazard was present or was likely to be present from skin or eye contact with chromium (VI); however, the employer did not provide appropriate personal protective clothing and equipment at no cost to employees, and/or did not ensure that employees used such clothing and equipment:

Main Building - Employees wore street clothing when performing welding operations involving stainless steel with a recorded exposure to Chromium VI (CrVI) at .6365 micrograms per cubic meter of air (ug/m<sup>3</sup>) for an eight (8) hour time-weighted average (TWA); approximately 1.27 times the permissible exposure limit (PEL) of .5 ug/m<sup>3</sup>. The exposure was derived from a 456 minute sampling period conducted on May 16, 2019. Zero exposure was assumed for the 24 minutes not sampled.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

### **Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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**Safety Order 01 Item 005g**                      Type of Violation: **Serious**

29 CFR 1910.1026(i)(1): The employer did not provide change rooms, in conformance with the Sanitation standard, 29 CFR 1910.141, for employees who were required to change their clothes to use protective clothing and equipment for chromium (VI) exposures:

Main Building - Change rooms for protective clothing were not provided for employees who performed welding operations involving stainless steel with a recorded exposure to Chromium VI (CrVI) at .6365 micrograms per cubic meter of air (ug/m3) for an eight (8) hour time-weighted average (TWA); approximately 1.27 times the permissible exposure limit (PEL) of .5 ug/m3. The exposure was derived from a 456 minute sampling period conducted on May 16, 2019. Zero exposure was assumed for the 24 minutes not sampled.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

**Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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**Safety Order 01 Item 005h**                      Type of Violation: **Serious**

29 CFR 1910.1026(k)(1)(i)(A): The employer did not make medical surveillance available for all employees who were or could be occupationally exposed to chromium (VI) at or above the action level for 30 or more days a year:

Main Building - No employee medical surveillance program was established for welding operations involving stainless steel with a recorded exposure to Chromium VI (CrVI) at .6365 micrograms per cubic meter of air (ug/m3) for an eight (8) hour time-weighted average (TWA); approximately 1.27 times the permissible exposure limit (PEL) of .5 ug/m3. The exposure was derived from a 456 minute sampling period conducted on May 16, 2019. Zero exposure was assumed for the 24 minutes not sampled.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**



**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

**Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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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 006a**                      Type of Violation: **Serious**

29 CFR 1910.1026(l)(1)(i): In classifying the hazards of chromium (VI) at least the following hazards are to be addressed: Cancer, eye irritation, and skin sensitization:

Main Building - Hazard communication training did not include the health and/or physical hazards associated with Chromium VI for employees with potential exposure during welding operations.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$5,000.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

**Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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**Safety Order 01 Item 006b**                      Type of Violation: **Serious**

29 CFR 1910.1026(l)(1)(iii): Employers shall include chromium (VI) in the hazard communication program established to comply with the HCS (Sec. 1910.1200). Employers shall ensure that each employee has access to labels on containers of chromium (VI) and to safety data sheets, and is trained in accordance with the requirements of HCS and paragraph (l)(2) of this section:

Main Building - The hazard communication program did not include the specifics of Chromium VI for employees with potential exposure during welding operations.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

**Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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**Safety Order 01 Item 006c**                      Type of Violation: **Serious**

29 CFR 1910.1026(l)(2)(i)(A): The employer did not provide appropriate information and training for all employees exposed to chromium (VI), in that employees could not demonstrate knowledge of the contents of the Chromium (VI) standard, 29 CFR 1910.1026:

Main Building - Employees with potential exposure to Chromium VI during welding operations were unaware of the specifics of the Chromium VI standard and it's requirements for training.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

**Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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**Safety Order 01 Item 006d**                      Type of Violation: **Serious**

29 CFR 1910.1026(l)(2)(i)(B): The employer did not provide appropriate information and training for all employees exposed to chromium (VI) in that employees could not demonstrate knowledge of the purpose and description of the requirements for a medical surveillance program as outlined by the Chromium (VI) standard, 29 CFR 1910.1026(k):

Main Building - Employees with potential exposure to Chromium VI during welding operations were unaware of the specifics of the medical surveillance program for Chromium VI.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

**Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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**Safety Order 01 Item 006e**                      Type of Violation: **Serious**

29 CFR 1910.1026(l)(2)(ii): The employer did not make a copy of the Chromium (VI) standard, 29 CFR 1910.1026, readily available to all employees who were exposed to chromium (VI):

Main Building - Copies of the Chromium VI standard and it's appendix were not maintained for employee review.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

### **Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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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 007a**                      Type of Violation: **Serious**

29 CFR 1910.1052(h)(1): Where needed to prevent methylene chloride induced skin or eye irritation, the employer did not provide clean protective clothing and equipment resistant to methylene chloride, at no cost to the employee, and/or did not ensure that each affected employee used it:

Main Building - Employees used Prostar Solvent Anti-Spatter (90-100% Methylene Chloride) in welding operations while wearing street clothes and without the use of personal protective equipment to prevent contact with the arms.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$5,000.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

**Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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**Safety Order 01 Item 007b**                      Type of Violation: **Serious**

29 CFR 1910.1052(i)(1): It was reasonably foreseeable that employee's skin may contact solutions containing 0.1 percent or greater methylene chloride and the employer did not provide conveniently located washing facilities capable of removing the methylene chloride and did not ensure that affected employees use these facilities as needed:

Main Building - Sufficient washing facilities were not readily available nor instructed to use when employees had potential Prostar Solvent Anti-Spatter (90-100% Methylene Chloride) skin exposure in welding operations.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

### **Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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**Safety Order 01 Item 007c**                      Type of Violation: **Serious**

29 CFR 1910.1052(i)(2): It was reasonably foreseeable that an employee's eyes may contact solutions containing 0.1 percent or greater methylene chloride and the employer did not provide appropriate eyewash facilities within the immediate work area for emergency use and did not ensure that affected employees use those facilities when necessary:

Main Building - Sufficient eye washing facilities were not readily available nor instructed to use when employees had potential Prostar Solvent Anti-Spatter (90-100% Methylene Chloride) eye exposure in welding operations.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**



**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

**Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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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 008a**                      Type of Violation: **Serious**

29 CFR 1910.1052(k)(1)(ii): In classifying the hazards of MC at least the following hazards are to be addressed: Cancer, cardiac effects (including elevation of carboxyhemoglobin), central nervous system effects, liver effects, and skin and eye irritation:

Main Building - The health hazards associated with employee use of Prostar Solvent Anti-Spatter (90-100% Methylene Chloride) in the welding process were not covered in the hazard communication program.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$5,000.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

**Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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**Safety Order 01 Item 008b**                      Type of Violation: **Serious**

29 CFR 1910.1052(k)(1)(iii): Employers shall include Methylene Chloride in the hazard communication program established to comply with the Hazard Communication Standard (§1910.1200). Employers shall ensure that each employee has access to labels on containers of Methylene Chloride and to safety data sheets, and is trained in accordance with the requirements of Hazard Communication Standard and paragraph (l) of this section:

Main Building - The hazard communication program did not cover Methylene Chloride hazards as contained in Prostar Solvent Anti-Spatter (90-100% Methylene Chloride) used in the welding process.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

**Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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**Safety Order 01 Item 008c**                      Type of Violation: **Serious**

29 CFR 1910.1052(l)(1): The employer did not provide information and training for each affected employee prior to or at the time of initial assignment to a job involving potential exposure to methylene chloride:

Main Building - Employees who used Prostar Solvent Anti-Spatter (90-100% Methylene Chloride) in the welding process were not trained in the hazards of Methylene Chloride prior to being assigned to an area with this product in use.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
**Issuance Date:** 11/6/2019  
**CSHO ID:** G1128  
**Optional Report No.:** 2331-19

**Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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**Safety Order 01 Item 008d**                      Type of Violation: **Serious**

29 CFR 1910.1052(l)(3)(i): The employer did not inform each affected employee of the requirements of 29 CFR 1910.1052 and the information available in its appendices and/or how to access or obtain a copy of it in the workplace:

Main Building - Employees who used Prostar Solvent Anti-Spatter (90-100% Methylene Chloride) in the welding process were not informed or trained in the Methylene Chloride standard (29 CFR 1910.1052) and the requirements contained therein.

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318111044  
**Inspection Date(s):** 5/16/2019 - 9/12/2019  
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**Safety Order and Notification of Penalty**

**Company Name:** ELSA LLC  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036

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**Safety Order 01 Item 008e**                      Type of Violation: **Serious**

29 CFR 1910.1052(l)(4): The employer did not train each affected employee as required under the Hazard Communication Standard at 29 CFR 1910.1200, 29 CFR 1915.1200, or 29 CFR 1926.59, as appropriate:

Main Building - Employees who used Prostar Solvent Anti-Spatter (90-100% Methylene Chloride) in the welding process were not trained in the hazards of Methylene Chloride as required by the Hazard Communication standard (29 CFR 1910.1200).

**Date By Which Violation Must Be Abated:**                      **12/12/2019**  
**Proposed Penalty:**    **\$0.00**

Julie C. Alexander, JD  
Director of General Industry

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington St - Room W195  
Indianapolis, IN 46204  
Phone: (317)232-2691 FAX: (317)233-3790



## INVOICE/DEBT COLLECTION NOTICE

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**Company Name:** ELSA LLC  
and its successors  
**Inspection Site:** 1240 South State Road 37, Elwood, IN 46036  
**Issuance Date:** 11/6/2019

**Summary of Penalties for Inspection Number: 318111044**

**Safety Order 1, Serious** = \$37,000.00  
**TOTAL PENALTIES** = \$37,000.00


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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. You may also make a payment online at <https://payingov.com/dol/>. Your account number is your inspection number.

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).

  
\_\_\_\_\_  
Julie C. Alexander, J.D.  
Director of General Industry

11 / 6 / 2019  
\_\_\_\_\_  
Date