

SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as "Commissioner") and Productivity Fabricators, Inc. (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 317055283 issued to the Employer on October 31, 2013 in the following manner:

SAFETY ORDER 01:

Item 1:	Upheld. Penalty reduced to \$250.
Item 2:	Upheld. <i>reduced to zero jca</i>
Item 3:	Upheld. Penalty reduced to \$250.
Item 4:	Deleted.
Item 5:	Upheld. Penalty reduced to \$437.
Item 6:	Upheld. Penalty reduced to \$875.
Item 7a-7f:	Upheld. Penalty reduced to \$625.
Item 8:	Upheld. Penalty reduced to \$250.
Item 9:	Upheld. Penalty reduced to \$625.
Item 10:	Upheld. Penalty reduced to \$500.
Item 11:	Upheld. Penalty reduced to \$500.
Item 12a and 12b:	Upheld. Penalty reduced to \$250.
Item 13:	Deleted.
Item 14:	Upheld. Penalty reduced to \$500.
Item 15a and 15b:	Upheld. Penalty reduced to \$250.
Item 16:	Upheld. Penalty reduced to \$250.
Item 17:	Upheld. Penalty reduced to \$250.
Item 18:	Upheld. Penalty reduced to \$500.
Item 19:	Upheld. Penalty reduced to \$250.
Item 20:	Upheld. Penalty reduced to \$250.
Item 21:	Upheld. Penalty reduced to \$500.
Item 22:	Upheld. Penalty reduced to \$250.
Item 23:	Upheld. Penalty reduced to \$500.
Item 24a, b and c:	Upheld. <i>reduced to zero. jca</i>

due to calculation error

SAFETY ORDER 02:

Item 1:	Upheld. Penalty reduced to \$0
Item 2:	Upheld.

due to calculation error

The TOTAL AGREED PENALTY is \$8062.00

This is a 73.78% reduction from the proposed citations.

The first of twelve payments of \$671.83 will be due and payable on the 15th of January and the next eleven payments are due on the 15th of each consecutive month with the last payment of \$671.87 due and payable on December 15, 2014.

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 Employer further agrees that if the AGREED PENALTY is not paid as agreed 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.

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.

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

PRODUCTIVITY FABRICATORS, INC.

COMMISSIONER OF LABOR

By: *John R. Olson*

By: *J. Alexander*

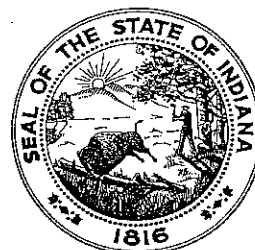
Title: PRESIDENT

Title: Director

Date: 11/08/13

Date: 11/8/13

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 # 7012 2210 0002 4729 5231 10-8-13 js

Safety Order and Notification of Penalty

To: Productivity Fabricators, Inc.,
and its successors
2332 Flatley Road
Richmond, IN 47374

Inspection Number: 317055283

Inspection Date(s): 05/28/2013 - 05/30/2013

Issuance Date: 10/08/2013

Inspection Site:

2332 Flatley Road
Richmond, IN 47374

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.

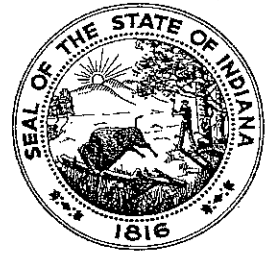
Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has 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.

Indiana Department of Labor
Indiana Occupational Safety and Health Administration



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

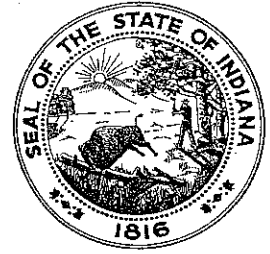
An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 10/08/2013. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

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

IC 22-8-1.1 Section 2: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to a collapse hazard due to potentially overloaded cranes:

Facility- The free standing underhung jib crane did not have the established weight rating marked on each side of the monorail. The crane was used by employees to lift metal parts in the facility for up to 8 hours/day.

AMONG OTHER METHODS, FEASIBLE MEANS OF ABATEMENT MAY INCLUDE: Rated load of the crane marked on the monorail in accordance with Section 11-1.1.2 of the Approved American National Standard (ANSI) *Safety Standard for cableways, cranes, derricks, hoists, hooks, jacks, and slings*. (ANSI/ASSE B30.11c-1988 (R1992). Section 11-1.1.2 of ANSI/ASSE B30.11c-1988 (R1992) states the rated load of each hoist on a monorail shall be marked in accordance with ASME/ANSI B30.16. Combined loads on hoists shall not exceed the rated load of the monorail.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$750.00

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

29 CFR 1910.23(c)(1): Open sided floor(s) or platform(s) 4 feet or more above the adjacent floor or ground level were not guarded by standard railings (or the equivalent as specified in 29 CFR 1910.23(e)(3)(i) through (v)), on all open sides:

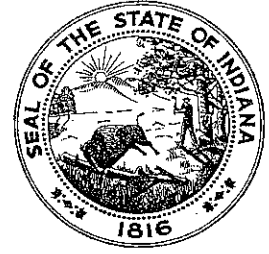
Production Area- The upper storage platform, 12' from the floor, was being used without standard railings in place. Employees who accessed the upper storage platform on a regular and routine basis for supplies were exposed to a fall from height hazard when obtaining products such as, but not limited to; paints, light bulbs, and office supplies.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,250.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

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

29 CFR 1910.37(a)(2): Exit routes were not arranged so that employees will not have to travel toward a high hazard area, unless the path of travel is effectively shielded from the high hazard area by suitable partitions or other physical barriers.

Production Area- Combustible liquids, such as, but not limited to, Sherwin-Williams KEM AQUA 280 Water Reducing Enamel Productivity (Flash Point of 142F - Category 4 flammable liquid/Class IIIA combustible liquid) in 55 gallon drums, were stored adjacent to emergency exit doors creating a fire hazard for employees required to use exits in the event of an emergency.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,750.00

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

29 CFR 1910.38(c)(3): An emergency action plan did not contain procedures to be followed by employees who remain to operate critical plant operations before they evacuate:

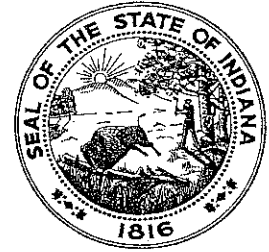
Production Area- The Emergency Action plan did not specify all of the duties to be performed in the event of a fire such as, but not limited to, employees required to use forklift trucks to push flammable chemicals out of the facility in the event of a fire.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,750.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

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

29 CFR 1910.106(d)(7)(iii): Open flames and smoking was permitted in flammable or combustible liquid storage areas:

Production Area- Smoking near the chemical storage area which was located adjacent to the spray booth was permitted. A recently smoked cigarette was sitting on a table located immediately outside the entrance to the spray booth. The storage area contained twenty-five (25) -1,375 gallons- 55 gallon drums of Sherwin-Williams KEM AQUA 280 Water Reducing Enamel Productivity (Category 4 flammable liquid/Class IIIA combustible liquid).

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,750.00

Safety Order 1 Item 6 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):

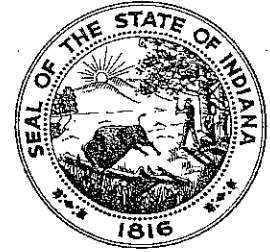
Production Area- The designated open storage area contained twenty-five (25) 55 gallon drums (1375 gallons) of Sherwin-Williams KEM AQUA 280 Water Reducing Enamel Productivity paint (Category 4 flammable liquid/Class IIIA combustible liquid).

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,750.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

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 7a Type of Violation: **Serious**

29 CFR 1910.107(b)(2): The interior surface of spray booth(s) were not smooth and continuous without edges and otherwise designed to prevent pocketing of residues and to facilitate cleaning and washing without injury:

Production Area- The downdraft spray booth contained two (2) entrance doors along interior of the walls. The two (2) doors opened outward and created a recessed area. The recessed area caused excess paint to accumulate in between the door and door frames creating a fire hazard for employees who used the booth daily.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,000.00

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

29 CFR 1910.107(b)(3): The combustible floor surface(s) of spray booth(s) were not covered with noncombustible material:

Production Area- The downdraft spray booth interior contained a combustible wooden flooring throughout the span of the spray booth between the floor grating. Wooden flooring was placed on the floor of the spray booth to collect residual over spray which creates a fire hazard for employees painting daily.

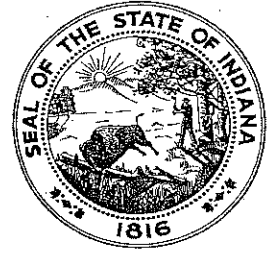
Date By Which Violation Must be Abated: 11/04/2013

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Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

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

29 CFR 1910.107(c)(6): Electrical wiring and equipment outside of but within 20 feet of spraying area(s), and not separated therefrom by partitions, did not conform to the provisions for Class 1, Division 2, hazardous locations:

Production Area- Two (2) silver pedestal electrical shop fans were located adjacent to each end of the open entrances to the spray booth. The two (2) electrical fans were not of the type approved to be used in Class 1 Div 2 hazardous locations.

Date By Which Violation Must be Abated: 11/04/2013

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

29 CFR 1910.107(e)(2): The quantity of flammable or combustible liquids kept in the vicinity of spraying operation(s) exceeded the minimum required for operation:

Production Area- Twenty-five (25) 55 gallon drums (1375 gallons) of Sherwin-Williams KEM AQUA 280 Water Reducing Enamel Productivity (Category 4 flammable liquid/Class IIIA combustible liquid) was stored next to the downdraft spray booth for daily use by employees in painting operations. The 1375 gallon amount far exceeded daily use quantities.

Date By Which Violation Must be Abated: 11/04/2013

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

29 CFR 1910.107(g)(2): Spraying area(s) were not kept free from the accumulation of deposits of combustible residues:

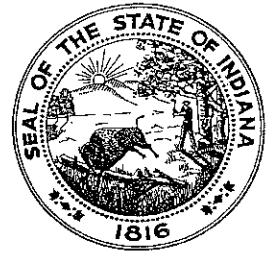
Production Area- The downdraft spray booth flooring, floor grating, and support racks were not kept free of excess accumulations of spray residues of paints such as, but not limited to, Sherwin-Williams KEM AQUA 280 Water Reducing Enamel Productivity (Category 4 flammable liquid/Class III combustible liquid: Flash Point 142F).

Date By Which Violation Must be Abated: 11/04/2013

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

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

29 CFR 1910.107(g)(3): Rags or waste impregnated with finishing material were not deposited in metal waste cans immediately after use:

Production Area- Soiled rags used in spraying operations were not put into an approved metal flammable waste container immediately after use. Soiled rags that contained excess Sherwin-Williams KEM AQUA 280 Water Reducing Enamel Productivity (Category 4 flammable liquid/Class IIIA combustible liquid: Flash Point 142F) were discarded into open plastic 5 gallon buckets located next to the spray booth entrance creating an open fire hazard.

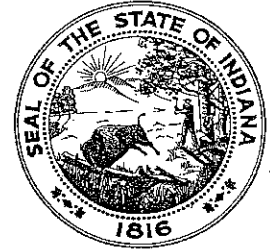
Date By Which Violation Must be Abated: 11/04/2013

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Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

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Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

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

29 CFR 1910.110(f)(4)(i): The quantity of LP gas stored inside of building(s) exceeded 300 pounds:

Production Area- Eleven (11) 50lb propane tanks (550 pounds total) used for forklift trucks were stored indoors adjacent to AIRGAS propylene tanks.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,250.00

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

29 CFR 1910.141(g)(2): Employees were permitted to consume food or beverage in area(s) exposed to toxic materials:

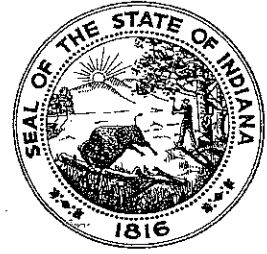
Production Area- Beverages were permitted to be consumed in areas that were exposed to toxic materials. Soda cans were present outside the spray booth on a table. Employees used KEM AQUA 280 Water Reducible Enamel paints which contained the ingredients: *2-Butoxyethanol* and *Triethylamine* which are classified as toxic as defined in 29 CFR 1910.1200 Appendix A.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,250.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

Safety Order 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure and employee training to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, start up or release of stored energy could occur and cause injury, the machine or equipment would be isolated, and rendered inoperative in accordance with 29 CFR 1910.147(c)(4):

Production Area- Written lockout/tagout procedures and employee training for equipment such as, but not limited to, the W.F Wells (S/N #S-40-3SSC) green horizontal bandsaw was not established. The bandsaw contained a blade which required replacement and lockout procedures to be followed while doing so. Employees used the bandsaw to cut metal parts in the facility on a regular and routine basis.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,000.00

Safety Order 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse:

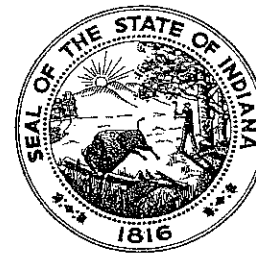
Production Area- Boxes of light bulbs stored overhead were not fully secured against falling. Boxes of lights overhang the edge of the overhead storage which was approximately 12 feet high. Employees walk next to the overhead storage daily.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

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 12a Type of Violation: **Serious**

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator was competent to operate a powered industrial truck safely.

Production Area- Training (practical and classroom) was not provided to employees who utilized powered industrial trucks such as, but not limited to, a Nissan 40 forklift truck and a Clark forklift. Daily inspection deficiencies of damaged tires and unstrapped propane tanks were not evaluated or identified as potential hazards which could take the vehicles out of service.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,000.00

Safety Order 1 Item 12b Type of Violation: **Serious**

29 CFR 1910.178(q)(7): Industrial trucks were not examined before being placed in service:

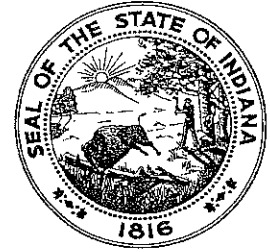
Production Area- Propane forklift trucks were not examined prior to daily use. One (1) Clark propane forklift truck contained an unsecured propane tank. One (1) Nissan 40 forklift truck had damaged wheels on the left side. Daily inspection lists were not conducted for forklift trucks being used at the facility daily.

Date By Which Violation Must be Abated: 11/04/2013

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

Safety Order 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.184(d): Damaged or defective sling(s) were not immediately removed from service:

Production Area- Nylon slings used to lift metal objects in the facility had frays and holes in the fabric. The slings were not taken out of service. Employees used nylon slings in conjunction with overhead cranes to move around metal parts in the facility for up to 8 hours/day.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,000.00

Safety Order 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.212(a)(2): Guard(s) on machine(s) were not affixed to the machine or secured elsewhere when attachment to the machine was not possible:

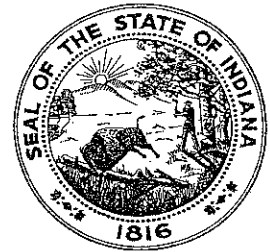
Production Area- The blade on the W.F Wells (S/N #S-40-3SSC) green horizontal bandsaw was not fully guarded. The bandsaw contained a sliding guard with approximately 7 inches of exposed saw blade on each side. Employees used bandsaw to cut metal parts in the facility on a daily basis.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$2,500.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

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 15a Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one-eighth inch:

Production Area- The floor-mounted Craftsman 6 inch variable speed grinder (S/N# 0648-W) had a work rest opening greater than one-eighth inch between the grinding wheel and the rest. The bench grinder was used by employees to smooth out rough metal edges on a regular and routine basis.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,000.00

Safety Order 1 Item 15b Type of Violation: **Serious**

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch:

Production Area- The floor-mounted Craftsman 6 inch variable speed grinder (S/N# 0648-W) had a tongue guard adjusted to greater than 1/4" opening. The bench grinder was used by employees to smooth out rough metal edges from metal products that were recently cut on a regular and routine basis.

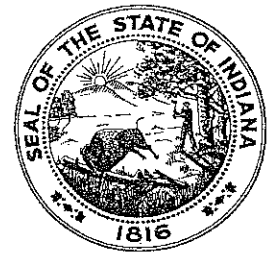
Date By Which Violation Must be Abated: 11/04/2013

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Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

Safety Order 1 Item 16 Type of Violation: **Serious**

29 CFR 1910.219(d)(1): Pulley(s) with part(s) seven feet or less from the floor or work platform were not guarded in accordance with the requirements specified at 29 CFR 1910.219(m) & (o):

Production Area- A blue Buckeye pneumatic air compressor contained one 4" pulley and one 12" pulley that had an opening for access approximately 12" wide. Painting employees had to flip a switch, approximately 12" from the pulleys, on a regular and routine basis for painting operations.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,000.00

Safety Order 1 Item 17 Type of Violation: **Serious**

29 CFR 1910.253(b)(2)(iv): Valve protection caps, where cylinders were designed to accept caps, were not always in place, hand tight, except when cylinders were in use or connected for use:

Production Area- Two (2) oxygen cylinders did not have top valve caps secured. Oxygen tanks were used by employees for welding operations on metal parts on a daily basis.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,000.00

Safety Order 1 Item 18 Type of Violation: **Serious**

29 CFR 1910.254(d)(9)(iii): Cables with damaged insulation or exposed bare conductors shall be replaced. Joining lengths of work and electrode cables shall be done by the use of connecting means specifically intended for the purpose:

Production Area- Vicon Plasma Cutting Machine had damaged primary electrical cording that had been wrapped in electrical tape and not properly repaired or taken out of service.

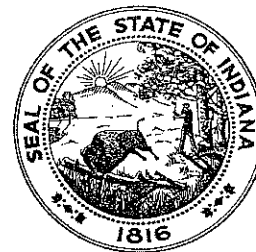
Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,250.00



Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

Safety Order 1 Item 19 Type of Violation: **Serious**

29 CFR 1910.303(g)(1)(i)[B]: The width of working space in front of electrical equipment was not greater than 30 inches.

Production Area- The Vicon plasma cutting machine did not have 30 inches or greater of distance for access to the 600V disconnect electrical switch mounted on wall. The distance from the plasma cutting machine to the knife switch was 27.25".

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,250.00

Safety Order 1 Item 20 Type of Violation: **Serious**

29 CFR 1910.305(a)(2)(x): Flexible cords and cables were not protected from accidental damage, as might be caused by sharp edges, pinch points, and doorways.

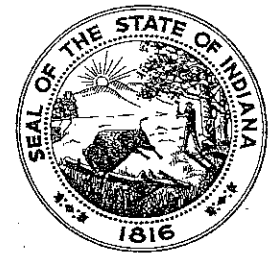
Production Area- An extension cord used to power a floor fan near the spray booth was not protected against accidental damage by being run over by forklift trucks which could cause a short creating a shock and fire hazard for employees working near the area.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

Safety Order 1 Item 21 Type of Violation: **Serious**

29 CFR 1910.305(b)(2)(i): All pull boxes, junction boxes, and fittings shall be provided with covers identified for the purpose. If metal covers are used, they shall be grounded. In completed installations, each outlet box shall have a cover, faceplate, or fisure canopy:

Production Area- The Best 200 ton hydraulic press (S/N# C1140979 Model #C200-12) had a junction box missing the cover plate which exposed the live conductors/wires within to potential employee contact. The hydraulic press was used on a regular and routine basis to bend small metal parts.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,000.00

Safety Order 1 Item 22 Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)[A]: Flexible cords and cables may not be used as a substitute for the fixed wiring of a structure.

Production Area- An extension cord was used as permanent wiring for industrial fan located outside the spray booth. Extension cord was covered in paint and plugged into a wall outlet.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,000.00

Safety Order 1 Item 23 Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(iii): Flexible cords were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws:

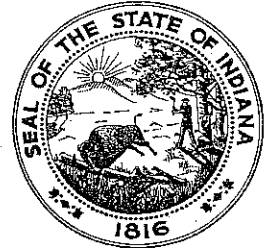
Production Area- The control box for P&H Hevi-Lift Hoist # C-143 did not contain a strain relief for electrical wiring leading into pendant. Hoist voltage was 460V and live electrical cords were exposed through the original sheathing.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,750.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

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 24a Type of Violation: **Serious**

29 CFR 1910.1200(e)(1)(i): The written hazard communication program did not include a list of the hazardous chemicals known to be present using an identity that was referenced on the appropriate material safety data sheet:

Production Area- A written hazard communications program was not established for employees who were required to paint metal structures for up to 8 hours/day. The employees used paints such as, but not limited to, KEM AQUA 400 Water Reducible Enamel (Product # F78B501- Category 4 flammable liquid/Class IIIA combustible liquid) to paint the metal structures.

Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$1,000.00

Safety Order 1 Item 24b Type of Violation: **Serious**

29 CFR 1910.1200(g)(8): The employer did not maintain copies of the required material safety data sheets for each hazardous chemical in the workplace:

Production Area- Material Safety Data Sheets (MSDS) were not obtained for chemical products used for processes such as, but not limited to, painting operations. The employees used KEM AQUA 400 Water Reducible Enamel Black (Product # F78B501) to paint the metal parts daily and no MSDS was available for review.

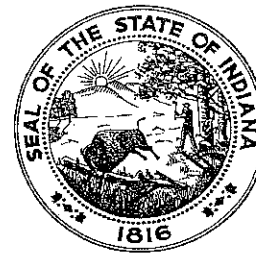
Date By Which Violation Must be Abated: 11/04/2013

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Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

Safety Order 1 Item 24c Type of Violation: **Serious**

29 CFR 1910.1200(h)(1): The employer did not provide information to the employees on the requirements of the Hazard Communication Standard:

Production Area- Hazard communications training was not established for employees who are required to perform work operations with chemical products. The employees used products such as, but not limited to, KEM AQUA 400 Water Reducible Enamel (Product # F78B501 - Category 4 flammable liquid/Class IIIA combustible liquid) to paint the metal parts up to 8 hours per day.

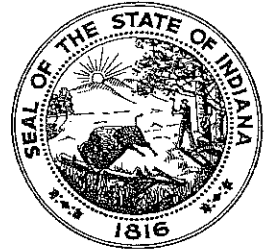
Date By Which Violation Must be Abated: 11/04/2013

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Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 317055283
Inspection Dates: 05/28/2013 - 05/30/2013
Issuance Date: 10/08/2013



Safety Order and Notification of Penalty

Company Name: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374

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

29 CFR 1910.157(c)(1): Portable fire extinguishers were not properly identified:

Production Area- A fire extinguisher mounted on a pole located near the plasma cutting machine did not contain an identification placard.

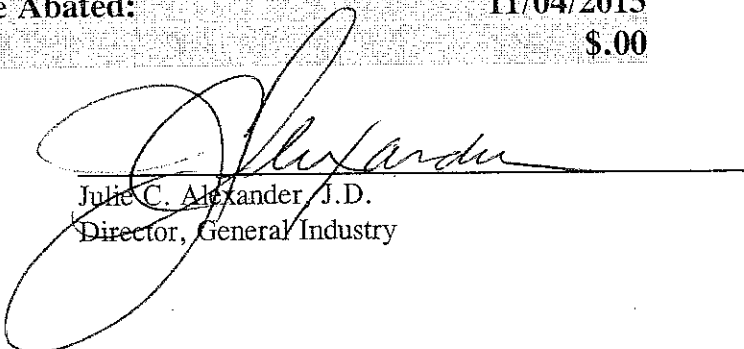
Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$500.00

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

29 CFR 1910.303(e)(2): Electrical equipment marking was not sufficient durability to withstand the environment involved.

Production Area- The blue Buckeye Pneumatic air compressor contained plate markings that were unable to be read. Blue Buckeye Pneumatic air compressor contained two (2) metal information plates that were covered with dust and paint.

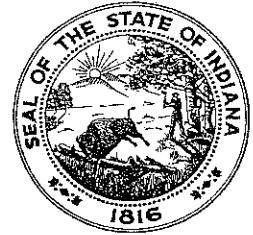
Date By Which Violation Must be Abated: 11/04/2013
Proposed Penalty: \$0.00


Julie C. Alexander, J.D.
Director, General Industry



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: Productivity Fabricators, Inc.
Inspection Site: 2332 Flatley Road, Richmond, IN 47374
Issuance Date: 10/08/2013

Summary of Penalties for Inspection Number 317055283

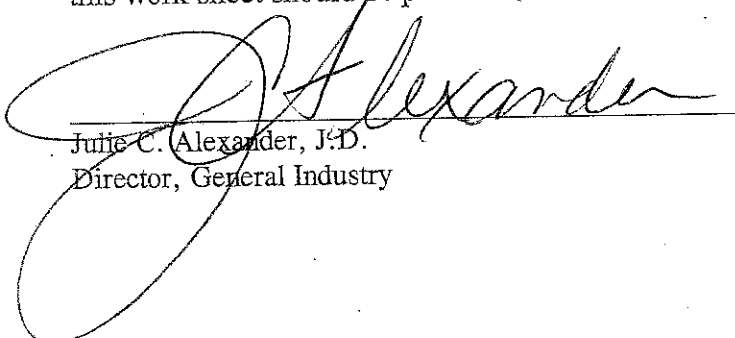
Safety Order 01, Serious	=	\$30,250.00
Safety Order 02, Nonserious	=	\$500.00
Total Proposed Penalties		\$30,750.00

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

IOSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).


Julie C. Alexander, J.D.
Director, General Industry

Date

10/8/13