



INDIANA

DEPARTMENT OF LABOR

ERIC J. HOLCOMB, GOVERNOR

David Redden, Commissioner

402 West Washington Street, Room W195

Indianapolis, Indiana 46204-2751

Phone: (317) 232-2655

Fax: (317) 233-3790

Notification of Failure to Correct Violations

To:

ProTech Metal Finishing Inc
and its successors
214 Heckner Street
Ligonier, IN 46767

Inspection Site:

214 Heckner Street
Ligonier, IN 46767

Original Inspection Number: 318112554

Original Inspection Date(s): 06/24/2019 - 08/16/2019

Inspection Number: 1634110

Inspection Date(s): 11/15/2022 - 12/06/2022

Issuance Date: 02/16/2023

The violation(s) described in this Notification of Failure to Correct Alleged Violations is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

After the original inspection, a Safety Order was issued to you in accordance with the provisions of the Occupational Safety and Health Act of 1970 (the Act), notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon reinspection, it is alleged that you have failed to abate the violation(s) listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty is computed by multiplying a daily penalty times the number of days the violation(s) remained unabated. You are to notify the Area Director in writing of the date and nature of the corrective action taken. If you do not abate the violation(s), further penalties may be proposed and other enforcement action to compel abatement may be taken under section 11(b) of the Act.

You are further notified that you must pay the ADDITIONAL PENALTY unless you inform the Area Director in writing that you intend to contest the Notification or the Additional Penalty within 15 working days (excluding weekends and Federal holidays) from your receipt of this notification. If you do not contest within 15 working days after receipt, the Notification and the additional penalties will become the final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Notification does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the Notification is affirmed by the Review Commission.

Notification of Corrective Action - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the IOSHA office issuing the safety order and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the safety order. For **Knowing** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the safety order is classified as **Serious** and the safety order states that the abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the



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safety order indicates that the violation was corrected during the inspection, no abatement certificate is required for that item.

For each safety order where you do not contest the violation or the abatement date, your obligation to submit abatement certification and any documents is delayed until the contest and the 10-day period after the abatement date have expired. See 29 CFR 1903.19 and the OSHA 3000 booklet for more information.

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

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

Inspection Activity Data - You should be aware that IOSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 7 calendar days after the Safety Order Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

Make your check or money order payable to "Indiana DOL/IOSHA". Please indicate the Inspection Narrative on the remittance.



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NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the Notification of Failure to Correct Violations issued on 02/16/2023.

The informal conference will be held:

_____ Virtually/Telephonically via Microsoft Teams

Call-in Number: _____

Conference ID: _____

_____ In-person at the Indiana Department Labor, located at the following address:

402 West Washington Street, Room W195

Indianapolis, Indiana 46204

Meeting/Conference Room: _____

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



Notification of Failure to Correct Violation

Original Inspection Number: 1417367
Original Inspection Date(s): 06/24/2019 - 08/16/2019

Inspection Number: 1634110
Inspection Date(s): 11/15/2022 - 12/06/2022
Issuance Date: 02/16/2023

Company Name: ProTech Metal Finishing Inc
Inspection Site: 214 Heckner Street, Ligonier, IN 46767

Safety Order 1 Item 2 Type of Violation: **Failure to Correct-Serious**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

- a) Racking Area - Employees were exposed to the rotating bandsaw blade when operating the Jet horizontal bandsaw when the blade was not adequately guarded.
- c) Racking Area - Employees were exposed to the rotating bandsaw blade when operating the Spartan horizontal bandsaw when the blade was not adequately guarded.


FAILURE TO CORRECT

On November 15, 2022, a follow-up inspection determined that employees were exposed to the unused portion of the rotating bandsaw blade when operating the Spartan horizontal bandsaw. For a period of thirty (30) or more days, including (30) days from October 3, 2019, the employer failed to adequately guard the saw blade as required by the terms of the Safety Order and Notification of Penalty issued in inspection of ProTech Metal Finishing, Inc. and its Successors, Inspection No. 318112554, part of the citations issued to the employer on September 9, 2019, and the Final Order resulting therefrom.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Additional Penalty:

\$84,000.00


Jameson Berry
IOSHA Director



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INVOICE / DEBT COLLECTION NOTICE

Company Name: ProTech Metal Finishing Inc
Inspection Site: 214 Heckner Street, Ligonier, IN 46767
Issuance Date: 02/16/2023

Summary of Penalties for Inspection Number: 318112554
Follow-up Inspection Number: 1634110

Safety Order 1 Item 2, FTC-Serious \$84,000.00

TOTAL PROPOSED PENALTIES: \$84,000.00

To avoid additional charges, please remit payment promptly to this Office for the total amount of the uncontested penalties summarized above. 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, conditions, or endorsements put on any check, money order or electronic payment for less than full amount due and will process the payments as if these restrictions or conditions do not exist.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which debt amount becomes due and payable (penalty due date). The current interest rate is 5%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Safety Order and Notification of Penalty), unless you file a notice to contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.



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Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

A handwritten signature in black ink, appearing to read "Jameson Berry", is written over a horizontal line.

Jameson Berry

IOSHA Director

2/16/2023

Date