

# 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



*Certified mail # 70163010000102903139 8-4-17 JAO*

## Safety Order and Notification of Penalty

**To:**  
Fisher Dynamics  
2301 Saint George Road  
Evansville, IN 47711

**Inspection Number:** 318084282  
**CSHO ID:** 03879  
**Optional Report No.:** 0199-17  
**Inspection Date(s):** 2/9/2017 - 6/14/2017  
**Issuance Date:** 8/4/2017

**Inspection Site:**  
2301 Saint George Road  
Evansville, IN 47711

*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

### **NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 8/4/2017. 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:** 318084282  
**Inspection Date(s):** 2/9/2017 - 6/14/2017  
**Issuance Date:** 8/4/2017  
**CSHO ID:** O3879  
**Optional Report No.:** 0199-17

**Safety Order and Notification of Penalty**

**Company Name:** Fisher Dynamics  
**Inspection Site:** 2301 Saint George Road, Evansville, IN 47711

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

29 CFR 1910.136(a): The employer did not ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards:

Facility - Employees working around fork trucks and other material handling equipment such as pallet jacks, carts and containers did not use protective footwear where danger of foot injuries due to falling or rolling objects was present.

**Date By Which Violation Must Be Abated:** 9/7/2017  
**Proposed Penalty:** \$5,000.00

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**Safety Order 01 Item 002**                      Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

Robotic Weld Cells – Employees performing servicing or maintenance activities in robotic weld cells were not utilizing documented lockout/tagout procedures.

**Date By Which Violation Must Be Abated:**                      **9/7/2017**  
**Proposed Penalty:**    **\$5,000.00**

**Indiana Department of Labor**  
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**Safety Order 01 Item 003**                      Type of Violation: **Serious**

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

Robotic Weld Cell - A written hazard communication program that included effective training and safety data sheets was not developed for employees who used hazardous chemical products such as, but not limited to; sheet steel, TechDraw FT403, carbon dioxide solid and ARCAL 6.

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: (i) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and, (ii) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

**Date By Which Violation Must Be Abated:**                      **9/7/2017**  
**Proposed Penalty:**    **\$3,500.00**





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Julie C. Alexander, J.D.  
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:** Fisher Dynamics  
**Inspection Site:** 2301 Saint George Road, Evansville, IN 47711  
**Issuance Date:** 8/4/2017

### Summary of Penalties for Inspection Number: 318084282

**Safety Order 1, Serious** = \$13,500.00  
**TOTAL PENALTIES** = \$13,500.00

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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.

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.

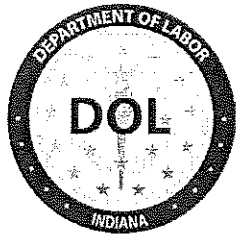
Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

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).

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

8.4.17  
Date



# INDIANA

## DEPARTMENT OF LABOR

ERIC HOLCOMB, GOVERNOR  
*Rick J. Ruble, Commissioner*  
402 West Washington Street, Room W195  
Indianapolis, Indiana 46204-2751  
Phone: (317) 232-2655  
Fax: (317) 233-3790

August 4, 2017

Kris North, Plant Manager  
Fisher Dynamics  
2301 Saint George Road  
Evansville, Indiana 47711

RE: Inspection # 318084282

Dear Mr. North:

An inspection of the Fisher Dynamics Facility located at 2301 Saint George Road, Evansville, IN 47711 was initiated on February 9, 2017, focusing on a complaint regarding welding fume exposure, ergonomic issues, and evaluation of your OSHA recordkeeping logs disclosed the following condition(s) which are consistent with employee injuries and illnesses which can be caused by exposure to ergonomic risk factors from work processes employees conduct at your facility.

Fisher Dynamics employees working in the production areas are experiencing various musculoskeletal disorders (MSDs) primarily concerning the lower back, shoulders, wrists and hands, that may be caused by exposure to repetitive movements and awkward body postures including frequent bending and twisting of the trunk, extended arm reaching, performing job tasks away from the body, above shoulder height or below knee level during the processes of part replenishment, cushion seat assembly, testing and part processing. As part of the job production employees are regularly performing manual material handling tasks involving repetitive motion, lifting, lowering, pulling, pushing, holding and carrying various products as well as other work objects or materials. Furthermore, as part of the job employees are regularly exposed to prolonged walking and/or standing on hard floors that may further increase the risk of MSDs of the back and low back pain. Regular exposure to the identified ergonomic risk factors and their combination in particular can cause or contribute to increased risk of MSDs in the workplace.

It should also be mentioned that the review of OSHA 300 log equivalent forms for years 2015, 2016, and 2017 revealed that approximately 13 ergonomic related injuries have occurred and employees must be aware of ergonomic risk factors associated with the job specific tasks regularly performed in the workplace as well as the importance of recognition and reporting the signs and symptoms of MSDs early to minimize their occurrence or severity. In the interest of workplace safety and health, I recommend that you voluntarily take the necessary steps to

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substantially reduce or eliminate your employee's exposure to the conditions listed above.

While some ergonomic related risk factors can be reduced or eliminated by implementing a single means of abatement, in most cases a process using components, such as the following, will provide an effective method of addressing the risk factors. These components include accurate injury and illness record keeping, medical management and treatment for employees suffering work related injuries, work place analysis of jobs and tasks to assess hazards and the steps to reduce or eliminate the hazards, and education and training of workers and management. If an ergonomic risk factor is to be addressed on an incremental basis to determine the effectiveness of a specific control strategy believed likely to provide a protective solution, it is important to track and evaluate the effectiveness of the results in a timely manner, and to implement additional control measures if initial controls fail to eliminate or materially reduce worker exposures.

We have examined available information on the risk factors related to these jobs/tasks. The evaluation suggests the following actions be taken to deal with these conditions.

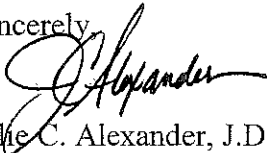
- Develop and implement the company-wide ergonomics program aimed at the reduction of risk and prevention of MSDs in the workplace.
- Assign a person to carry-out the ergonomic program.
- Provide an ergonomic awareness training to the company's employees teaching them basic ergonomics principles, ergonomics hazard recognition, proper work methods, practices and techniques, problem solving skills, recognition sign and symptoms of MSDs, and personal protection on the job.
- Conduct regular job-specific ergonomic training on safe manual materials handling practices with practical demonstration of proper lifting techniques.
- Develop a mechanism for early reporting the signs and symptoms of MSDs. Make the employees aware of the mechanism and the importance of early recognition and reporting of musculoskeletal signs and symptoms.
- Ensure that the employees follow proper work methods, practices and techniques when performing the job-specific manual materials handling tasks involving repetitive lifting, lowering, pushing, pulling, holding and carrying of various products, work objects and/or materials.
- Periodically review your ergonomics training program and revise it when necessary incorporating input from the employees. Employee feedback is a crucial component of the review process.
- Consider providing shoe insoles or anti-fatigue mats to the employees whose job tasks require prolonged walking and/or standing on hard floors throughout the day that may help reduce the risk and prevent MSDs of the back and low back pain as well as

discomfort, fatigue or pain in the lower extremities while performing the job-specific tasks.

- Assess and evaluate equipment and tools currently used by the employees and determine if new or additional equipment and/or devices are required to reduce the risk of MSDs associated with the job-specific selection tasks.
- Regularly conduct workplace, job and task analysis to identify specific ergonomics risk factors that may cause or contribute to increased risk of MSDs in the workplace.
- Develop, implement and document feasible control strategies and/or measures that can help reduce the risk and prevent the occurrence of work-related MSDs.
- Evaluate existing production incentive programs and their role in occurrence of ergonomic injuries in the workplace.
- Encourage the employees to stretch during the day that may help improve circulation and reduce muscle fatigue, discomfort and pain. Stretching can be performed during the rest breaks or pauses.

You may voluntarily provide the Indiana Department of Labor with progress reports on your efforts to address these conditions. More information regarding preventing work related ergonomic injuries and illnesses in your workplace is available on the OSHA website at <http://www.osha.gov/SLTC/ergonomics/>. You can request free consultation, including on-site visits, from INSAFE which operates independently from the Indiana Occupational Safety and Health Administration (IOSHA) regarding workplace safety and health issues at (317) 232-2688 or <https://secure.in.gov/dol/2386.htm>. You may also contact National Institute of Occupational Safety and Health at 1-800-35-NIOSH or <http://www.cdc.gov/niosh/docs/97-117/pdfs/97-117.pdf> (Elements of Ergonomics Programs. Pub #97-117). Your interest in workplace safety and health is appreciated.

Sincerely,



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