

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



Safety Order and Notification of Penalty

To:
Metal Powder Products Company
596 West Oak Street
Campbellsburg, IN 47108

Inspection Number: 318104114
CSHO ID: M0362
Optional Report No.: 2150-19
Inspection Date(s): 10/17/2018
Issuance Date: 1/21/2019

Inspection Site:
596 West Oak Street
Campbellsburg, IN 47108

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 and proof of abatement must be sent to the email address: 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 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. 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. 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, 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 1/21/2019. 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: 318104114
Inspection Date(s): 10/17/2018
Issuance Date: 1/21/2019
CSHO ID: M0362
Optional Report No.: 2150-19

Safety Order and Notification of Penalty

Company Name: Metal Powder Products Company
Inspection Site: 596 West Oak Street, Campbellsburg, IN 47108

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

29 CFR 1910.23(d)(12)(i): The step-across distance from the centerline of the rungs or steps is: For through ladders, not less than 7 inches (18 cm) and not more than 12 inches (30 cm) to the nearest edge of the structure, building, or equipment accessed from the ladders:

Meer Pit – The distance from the vertical ladder behind the Meer Press #2047 and the nearest edge of the structure was obstructed on the left side by hydraulic and/or pneumatic lines behind the rungs of the ladder, making the clearance less than 7 inches which created a potential caught-in/struck against hazard.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$1,800.00

Indiana Department of Labor
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Company Name: Metal Powder Products Company
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Safety Order 01 Item 002 Type of Violation: **Serious**

29 CFR 1910.146(c)(4): When the employer decided that its employees would enter permit spaces, the employer did not develop and implement a written permit space entry program that complied with 29 CFR 1910.146:

Facility - A written permit required confined space entry program for operations that involved entrance into confined spaces such as, but not limited to; the Lindberg/MPH Steam HOMO® furnace, was not developed which created potential caught-in hazards.

Date By Which Violation Must Be Abated: **2/21/2019**
Proposed Penalty: **\$1,800.00**

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Company Name: Metal Powder Products Company
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Safety Order 01 Item 003 Type of Violation: **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) Assembly Area - The Denison Hydraulic Press did not have a guarding method to prevent employee access to the point of operation.

b) Machine Room - The Tschudin CNC Machine was not equipped with interlock capability on the slide door guard which created a potential caught-in hazard.

Date By Which Violation Must Be Abated: **2/21/2019**
Proposed Penalty: **\$4,500.00**

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

29 CFR 1910.212(b): Machine(s) designed for fixed location(s) were not securely anchored to prevent walking or moving:

Machine Room – Equipment such as, but not limited to; the Central Machinery 16 Speed Floor Drill Press, was not secured to the floor to prevent it from moving which created a potential struck-by hazard.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$3,150.00

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Company Name: Metal Powder Products Company
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Safety Order 01 Item 006 Type of Violation: **Serious**

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident:

- a) Machine Room - The Total Control Clean Conveyor control panel was not identified as to the voltage which created a potential shock hazard.
- b) Machine Room - Switch gear systems were not identified as to purpose or voltage which created a potential shock hazard.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$3,150.00

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Company Name: Metal Powder Products Company
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Safety Order 01 Item 007 Type of Violation: **Serious**

29 CFR 1910.303(g)(2)(i): Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by approved cabinets or other forms of approved enclosures, or other means listed under this provision:

Wash Center – The power control box for the Total Control Clean Conveyor, #000612 had an open hole on the side of the cabinet that provided a point of access to live parts over 400 volts.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$3,150.00

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Company Name: Metal Powder Products Company
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Safety Order 01 Item 008 Type of Violation: **Serious**

29 CFR 1910.335(a)(2)(ii): Protective shields, protective barriers, or insulating materials were not used to protect each employee from shock, burns, or other electrically related injuries while that employee was working near exposed energized parts which might be accidentally contacted or where dangerous electric heating or arcing might occur. When normally enclosed live parts are exposed for maintenance or repair, they shall be guarded to protect unqualified persons from contact with the live parts.

Facility – Protective gloves for work on electrical systems was not available to maintenance workers as a means of protection from thermal burns and electrical shock when working on equipment such as, but not limited to, the Total Control Clean Conveyor and the General Electric Switchgear.

Date By Which Violation Must Be Abated: **2/21/2019**
Proposed Penalty: **\$4,500.00**

Indiana Department of Labor
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Safety Order 01 Item 009 Type of Violation: **Serious**

29 CFR 1910.1200(f)(6)(ii): Except as provided in 29 CFR 1910.1200(f)(7) and 29 CFR 1910.1200(f)(8), the employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals and which, in conjunction with the other information immediately available to employees under the hazard communication program, would provide employees with the specific information regarding the physical and health hazards of the hazardous chemical:

Machine Room – Containers used for transfer of multiple chemicals such as, but not limited to; 142 Solvent and AW 46, were not labeled with information to identify the contents and hazards contained therein.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$2,250.00

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Company Name: Metal Powder Products Company
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Safety Order 02 Item 001 Type of Violation: **NonSerious**

29 CFR 1910.132(d)(2): The employer did not verify, through a written certification, that the required workplace hazard assessment had been performed:

Facility - A written certification regarding appropriate personal protective equipment was not completed for operations such as, but not limited to; machine operators.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

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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 02 Item 002a Type of Violation: **NonSerious**

29 CFR 1910.134(c)(2)(i): Respirator users were not provided with the information contained in Appendix D to 29 CFR 1910.134 when the employer determined that any voluntary respirator use was permissible:

Facility – Appendix D of the respirator program was not distributed to employees who voluntarily used respirators such as, but not limited to; 3M 8210 N95 particulate and Sperian Freedom half mask respirators, while performing maintenance activities or when requested.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$900.00

Indiana Department of Labor
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Company Name: Metal Powder Products Company
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Safety Order 02 Item 002b Type of Violation: **NonSerious**

29 CFR 1910.134(c)(2)(ii): The employer did not establish and implement those elements of a written program necessary to ensure that any employee using a respirator voluntarily was medically able to use that respirator, and that the respirator was cleaned, stored, and maintained so that its use does not present a health hazard to the user:

Facility – Employees who utilized respirators such as, but not limited to; the 3M 8210, N95 Particulate mask and the Sperian Freedom Half Mask, did not have respirator medical evaluations or respirator inspection, use, and storage training.

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 reasonably 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: **2/21/2019**
Proposed Penalty: **\$0.00**

Indiana Department of Labor
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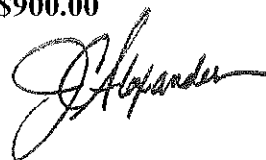
Safety Order 02 Item 003 Type of Violation: **NonSerious**

29 CFR 1910.147(c)(6)(ii): The employer did not certify that periodic inspections of the energy control procedures had been performed:

Facility - Periodic inspections of the energy control procedures for equipment such as, but not limited to the Cincinnati 200 Ton press, were not documented.

Date By Which Violation Must Be Abated:
Proposed Penalty:

2/21/2019
\$900.00



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
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INVOICE/DEBT COLLECTION NOTICE

Company Name: Metal Powder Products Company
Inspection Site: 596 West Oak Street, Campbellsburg, IN 47108
Issuance Date: 1/21/2019

Summary of Penalties for Inspection Number: 318104114

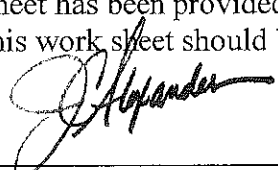
Safety Order 1, Serious	= \$28,800.00
Safety Order 2, NonSerious	= \$1,800.00
TOTAL PENALTIES	= \$30,600.00

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 of General Industry

1-21-19
Date