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:
PacMoore Process Technologies
and its successors
100 PacMoore Parkway
Mooresville, IN 46158

Inspection Number: 318117876
CSHO ID: Q9916
Optional Report No.: 2192-20
Inspection Date(s): 10/22/2019 - 1/15/2020
Issuance Date: 3/5/2020

Inspection Site:
100 PacMoore Parkway
Mooresville, IN 46158

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.

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 3/5/2020. 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

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CSHO ID: Q9916
Optional Report No.: 2192-20

Safety Order and Notification of Penalty

Company Name: PacMoore Process Technologies
Inspection Site: 100 PacMoore Parkway, Mooresville, IN 46158

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

29 CFR 1910.28(b)(1)(i): Except as provided elsewhere in this section, the employer must ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the following: guardrail systems; safety net systems; or personal fall protection systems, such as personal fall arrest, travel restraint, or positioning systems:

Blend 1 Blender - No means of fall protection was installed/implemented around the blender and platform edges for employees who performed activities such as, but not limited to; cleaning, which created a potential fall from heights hazard of approximately 14 feet.

Date By Which Violation Must Be Abated: **4/7/2020**
Proposed Penalty: **$7,000.00**

Indiana Department of Labor
Occupational Safety and Health Administration

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Safety Order and Notification of Penalty

Company Name: PacMoore Process Technologies
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Safety Order 01 Item 002 Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(ii)(D): The energy control procedures did not clearly and specifically outline the requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control

Blend 1 Blender - The Lockout/Tagout procedures did not include a step to verify that the equipment was completely denergized which created a potential struck-by hazard from the agitators.

Date By Which Violation Must Be Abated: **4/7/2020**
Proposed Penalty: **$7,000.00**

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Company Name: PacMoore Process Technologies
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Safety Order 01 Item 003 Type of Violation: **Serious**

29 CFR 1910.147(c)(7)(i)(A): Authorized employee(s) did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control:

Blend 1 Blender - Employees were not adequately trained to the authorized level of Lockout/Tagout in that deficiencies in procedures to verify a denergized state and deficiencies in performing LOTO to denergize the equipment were not identified which created struck-by hazards from the agitators.

Date By Which Violation Must Be Abated: **4/7/2020**
Proposed Penalty: **$7,000.00**

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Company Name: PacMoore Process Technologies
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Safety Order 01 Item 004 Type of Violation: **Serious**

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the actions listed in and was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6):

Blend 1 Blender - On October 22, 2019 and time prior to, no verification of Lockout/Tagout operations was performed on the blender to confirm that the equipment was effectively isolated and rendered safe which created agitator struck-by hazards. As a result, the remaining applicable energy control elements listed below were not implemented to protect employees from machine servicing hazards:

1910.147(d)(1) employee knowledge of the methods to control the energy,

1910.147(d)(3) all energy isolating devices that were needed to control the energy to the machine or equipment shall be physically located and operated in such a manner as to isolate the machine or equipment from the energy source(s);

1910.147(d)(4)(i) lockout or tagout devices shall be affixed to each energy isolating device by authorized employees;

1910.147(d)(5)(i)fFollowing the application of lockout or tagout devices to energy isolating devices, all potentially hazardous stored or residual energy shall be relieved, disconnected, restrained, and otherwise rendered safe; and

1910.147(d)(6) prior to starting work on machines or equipment that have been locked out or tagged out, the authorized employee shall verify that isolation and deenergization of the machine or equipment have been accomplished.

Date By Which Violation Must Be Abated: **4/7/2020**
Proposed Penalty: **$7,000.00**

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Company Name: PacMoore Process Technologies
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Safety Order 02 Item 001 Type of Violation: **Knowing**

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

Blend 1 Blender - Employees who entered the permit required confined space for cleaning activities were not informed of the potential hazards posed by the space which included struck-by hazards.

Date By Which Violation Must Be Abated: **4/7/2020**
Proposed Penalty: **$132,598.00**

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Inspection Number: 318117876
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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: **Knowing**

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:

Blend 1 Blender - A permit required confined space program covering the elements of 29 CFR 1910.146(d) was not implemented which exposed entrants into the space to struck-by hazards.

Date By Which Violation Must Be Abated: **4/7/2020**
Proposed Penalty: **$132,598.00**

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Company Name: PacMoore Process Technologies
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Safety Order 02 Item 002b Type of Violation: **Knowing**

29 CFR 1910.146(d)(1): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not implement the measures necessary to prevent unauthorized entry:

Blend 1 Blender - Employees entered the blender without implementation of any of the measures required for entry into a permit required confined space that contained potential struck-by hazards.

Date By Which Violation Must Be Abated: **4/7/2020**
Proposed Penalty: **$0.00**

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Safety Order 02 Item 002c Type of Violation: **Knowing**

29 CFR 1910.146(d)(2): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not identify and evaluate the hazards of permit spaces before employees entered:

Blend 1 Blender - Hazards such as, but not limited to: struck-by hazards due to energized agitators, were not properly evaluated prior to employee entry into the permit space.

Date By Which Violation Must Be Abated: **4/7/2020**
Proposed Penalty: **$0.00**

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Safety Order 02 Item 002d Type of Violation: **Knowing**

29 CFR 1910.146(d)(3): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including but not limited to, the following; 29 CFR 1910.146(d)(3)(i) through 29 CFR 1910.146(d)(3)(vi):

Blend 1 Blender - Permit required confined space practices and procedures were not implemented prior to employee entry into the blender space to include: (i) Specifying acceptable entry conditions; [1910.146(d)(3)(i)]; (ii) Providing each authorized entrant or that employee's authorized representative with the opportunity to observe any monitoring or testing of permit spaces; [1910.146(d)(3)(ii)]; (iii) Isolating the permit space; [1910.146(d)(3)(iii)]; (iv) Purging, inerting, flushing, or ventilating the permit space as necessary to eliminate or control atmospheric hazards; [1910.146(d)(3)(iv)]; (v) Providing pedestrian, vehicle, or other barriers as necessary to protect entrants from external hazards; and [1910.146(d)(3)(v)]; and (vi) Verifying that conditions in the permit space are acceptable for entry throughout the duration of an authorized entry. [1910.146(d)(3)(vi)].

Date By Which Violation Must Be Abated: **4/7/2020**
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Safety Order 02 Item 002e Type of Violation: **Knowing**

29 CFR 1910.146(d)(4): The employer did not provide the equipment specified in paragraphs (d)(4)(i)-(d)(4)(ix) of this section at no cost to employees, did not maintain that equipment properly, and/or did not ensure that employees use that equipment properly:

Blend 1 Blender - Equipment such as, but not limited to; testing and monitoring equipment, communication equipment, and rescue/emergency equipment were not utilized prior to and during entry into the blender permit required confined space.

Date By Which Violation Must Be Abated: **4/7/2020**
Proposed Penalty: **$0.00**

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Safety Order 02 Item 002f Type of Violation: **Knowing**

29 CFR 1910.146(d)(5)(i): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not evaluate permit space conditions per 29 CFR 1910.146(d)(5)(i-vi) when entry operations were conducted by testing conditions:

Blend 1 Blender - Prior to entry into the blender permit required confined space, no atmospheric testing was performed to verify that acceptable conditions existed and were being maintained throughout the operation.

Date By Which Violation Must Be Abated: **4/7/2020**
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Safety Order 02 Item 002g Type of Violation: **Knowing**

29 CFR 1910.146(d)(6): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not provide at least one attendant outside the permit space into which entry was authorized for the duration of entry operations:

Blend 1 Blender - No permit required confined space attendant was present for employees who entered the blender for cleaning activities which contained agitator struck-by hazards.

Date By Which Violation Must Be Abated: **4/7/2020**
Proposed Penalty: **$0.00**

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Safety Order 02 Item 002h Type of Violation: **Knowing**

29 CFR 1910.146(d)(8): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not designate the persons who were to have active roles in entry operations, identify the duties of each such employee, and did not provide training required by paragraph (g) of this section:

Blend 1 Blender - Employees entered the permit required confined space of the blender without being designated a specific role in the entry and having received adequate training on the duties of those roles.

Date By Which Violation Must Be Abated: **4/7/2020**
Proposed Penalty: **$0.00**

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Safety Order 02 Item 002i Type of Violation: **Knowing**

29 CFR 1910.146(d)(9): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and for preventing unauthorized personnel from attempting a rescue:

Blend 1 Blender - No procedures were implemented for permit required confined space entrant rescue during entry operations into the blender with agitator struck-by hazards.

Date By Which Violation Must Be Abated: **4/7/2020**
Proposed Penalty: **$0.00**

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Safety Order 02 Item 002j Type of Violation: **Knowing**

29 CFR 1910.146(d)(10): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement a system for the preparation, issuance, use, and cancellation of entry permits as required by 29 CFR 191

Blend 1 Blender - A permit system was not utilized for employee entry into the permit required confined space of the blender with agitator struck-by hazards.

Date By Which Violation Must Be Abated: **4/7/2020**
Proposed Penalty: **$0.00**

Julie C. Alexander, JD
Director of General Industry

Indiana Department of Labor

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

INVOICE/DEBT COLLECTION NOTICE

Company Name: PacMoore Process Technologies
and its successors
Inspection Site: 100 PacMoore Parkway, Mooresville, IN 46158
Issuance Date: 3/5/2020

Summary of Penalties for Inspection Number: 318117876

Safety Order 1, Serious	**= $28,000.00**
Safety Order 2, Knowing	**= $265,196.00**
TOTAL PENALTIES	**= $293,196.00**

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

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

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

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

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

3/5/2020
Date