

SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as "Commissioner") and Sabre Manufacturing, LLC, (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 315861864 issued to the Employer on April 12, 2012 in the following manner.

SAFETY ORDER 01:

- Item 1: Upheld, grouped with Safety Order 2, Item 1, penalty deleted
- Item 2: Upheld, penalty reduced to \$1,500.00
- Item 3: Upheld, grouped with Safety Order 1, Item 2, penalty deleted
- Item 4: Upheld, penalty remains at \$2,000.00
- Item 5: Upheld, grouped with Safety Order 1, Item 4, penalty deleted
- Item 6: Upheld, grouped with Safety Order 1, Item 4, penalty deleted
- Item 7: Upheld, grouped with Safety Order 2, Item 2, penalty deleted
- Item 8: Upheld, grouped with Safety Order 1, Item 4, penalty deleted
- Item 9: Upheld, penalty remains at \$2,000.00

SAFETY ORDER 02:

- Item 1: Upheld, penalty adjusted to \$5,000.00
- Item 2: Upheld, penalty adjusted to \$5,000.00

The TOTAL AGREED PENALTY is \$15,500.00

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.

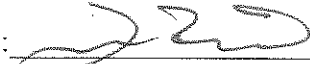
The total AGREED PENALTY is due and payable within fifteen (15) working days from the Employer's execution of this Agreement. The Employer further agrees that if the AGREED PENALTY is not paid within fifteen working days from the Employer's execution of this Agreement, that the full amount of the penalty 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.

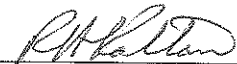
The Safety Order(s) and Notification(s) of Penalty are, and shall be, herein a final and enforceable Order of the Board of Safety Review.

Except for this Agreement, and matters arising out of this Agreement, and any other subsequent OSHA 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 matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

SABRE MANUFACTURING, LLC

COMMISSIONER OF LABOR

By: 

By: 

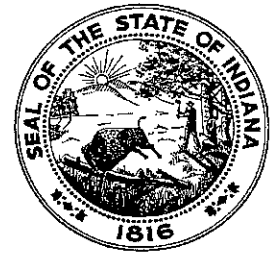
Title: Plant Manager

Title: Director IC

Date: 5/1/12

Date: 5-3-12

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 #70231010 0003 5132 2299 4-12-12 JAO

Safety Order and Notification of Penalty

To:	Inspection Number:	315861864
Sabre Manufacturing, LLC, and its successors 5420 State Road 8 Knox, IN 46534	Inspection Date(s):	11/15/2011 - 03/02/2012
	Issuance Date:	04/12/2012

Inspection Site:

5420 State Road 8
Knox, IN 46534

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

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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.

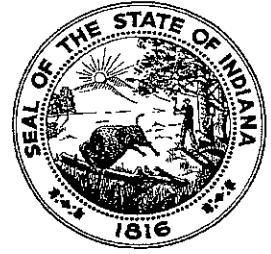
Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 04/12/2012. 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.

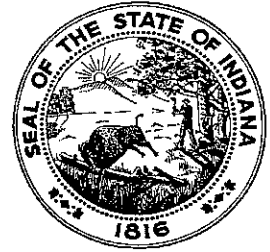
Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 315861864

Inspection Dates: 11/15/2011 - 03/02/2012

Issuance Date: 04/12/2012



Safety Order and Notification of Penalty

Company Name: Sabre Manufacturing, LLC

Inspection Site: 5240 State Road 8, Knox, IN 46534

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

29 CFR 1910.106(e)(2)(iv)(a): Flammable liquids were not kept in covered container(s) when not actually in use:

Paint Mix Area: There was an open 55-gallon drum of mineral spirits on the outside wall of the paint booth near the opening to the Paint Mix area.

Date By Which Violation Must be Abated: 05/08/2012
Proposed Penalty: \$2,000.00

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

29 CFR 1910.106(e)(3)(iv): Emergency drainage systems were not provided to direct flammable or combustible liquids spills and fire protection water to a safe location:

Paint Mixing Area: Where flammable liquids were mixed and handled there were no scuppers, curbs, or drainage systems where the floor was level with the paint booth, blast booth and finish area.

Date By Which Violation Must be Abated: 05/08/2012
Proposed Penalty: \$2,000.00

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

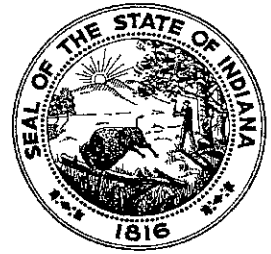
29 CFR 1910.106(e)(3)(v): Areas of the facility where flammable or combustible liquids were handled or used was not ventilated to at least 1 cubic foot per minute when handling Class I liquids:

Paint Mixing Area: There were no ventilation controls in the paint mix area where Class I flammable liquids were handled including, but not limited to Carboline Paint, Converter, Activator, and Laquer Thinner.

Date By Which Violation Must be Abated: 05/08/2012
Proposed Penalty: \$2,000.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 315861864
Inspection Dates: 11/15/2011 - 03/02/2012
Issuance Date: 04/12/2012



Safety Order and Notification of Penalty

Company Name: Sabre Manufacturing, LLC
Inspection Site: 5240 State Road 8, Knox, IN 46534

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

29 CFR 1910.146(i)(1): The employer did not ensure that each attendant knew the hazards that could be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure:

Paint Booth: Painters who entered tanks to apply Phenoline 310 part A and B to the floors, walls, and ceiling were not familiar with the hazards associated with working in permit required confined spaces.

Date By Which Violation Must be Abated: 05/08/2012
Proposed Penalty: \$2,000.00

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

29 CFR 1910.146(i)(4): The employer did not ensure that each attendant remained outside the permit space during entry operations until relieved by another attendant:

Paint Booth: The attendant entered the tank while the entrant was applying Phenoline 310 part A and B to the interior of the tank.

Date By Which Violation Must be Abated: 05/08/2012
Proposed Penalty: \$2,000.00

Safety Order 1 Item 6 Type of Violation: **Serious**

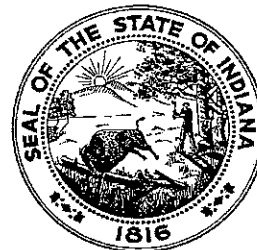
29 CFR 1910.146(j)(1): The employer did not ensure that each entry supervisor knew the hazards that could be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure:

Paint Booth: The entry supervisor was not familiar with **acceptable permit space entry conditions** and the hazards associated with applying Phenoline 310 part A and B inside tanks.

Date By Which Violation Must be Abated: 05/08/2012
Proposed Penalty: \$2,000.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 315861864
Inspection Dates: 11/15/2011 - 03/02/2012
Issuance Date: 04/12/2012



Safety Order and Notification of Penalty

Company Name: Sabre Manufacturing, LLC
Inspection Site: 5240 State Road 8, Knox, IN 46534

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

29 CFR 1910.146(j)(4): The employer did not ensure that each entry supervisor verified that rescue services were available and that the means for summoning them were operable:

Paint Booth: Sabre manufacturing did not assure that the entry supervisor verified that the rescue service was available prior to entering tanks.

Date By Which Violation Must be Abated: **05/08/2012**
Proposed Penalty: **\$2,000.00**

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

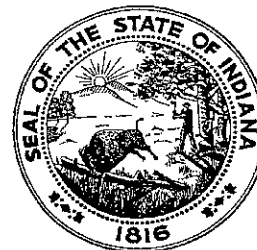
29 CFR 1910.146(j)(6): The employer did not ensure that each entry supervisor determined, whenever responsibility for a permit space entry operation was transferred and at intervals dictated by the hazards and operations performed within the space, that entry operations remained consistent with terms of the entry permit and that acceptable entry conditions were maintained:

Paint Booth: Sabre Manufacturing did not assure that the entry supervisor verified that acceptable entry conditions were maintained during entries into tanks including, but limited to means for summoning rescue, standby person outside the confined space, and available rescue service.

Date By Which Violation Must be Abated: **05/08/2012**
Proposed Penalty: **\$2,000.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 315861864
Inspection Dates: 11/15/2011 - 03/02/2012
Issuance Date: 04/12/2012



Safety Order and Notification of Penalty

Company Name: Sabre Manufacturing, LLC
Inspection Site: 5240 State Road 8, Knox, IN 46534

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

29 CFR 1910.307(c)(1): Electrical, wiring methods, and installations of equipment in hazardous (classified) locations was not intrinsically safe for the hazardous (classified) location:

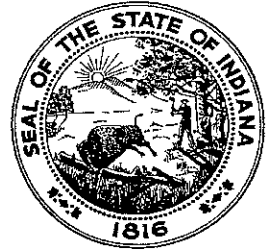
- a. Spray-gun Cleaning Tank: There was a standard 120 volt electric outlet 12 inches above and 7 ¼ inches away from top of the parts cleaner. There was a 1 ½ inch by 1 ½ inch hole located on the back side of the parts cleaner nearest the wall where the electric outlet was located.
- b. Paint Mixing Area: There was a standard 120 volt electric outlet 6 inches above and 4 inches away from the table where employees mixed and stored flammable paints.

Date By Which Violation Must be Abated: 05/08/2012
Proposed Penalty: \$2,000.00

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 315861864
Inspection Dates: 11/15/2011 - 03/02/2012
Issuance Date: 04/12/2012



Safety Order and Notification of Penalty

Company Name: Sabre Manufacturing, LLC
Inspection Site: 5240 State Road 8, Knox, IN 46534

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

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):

Paint Mix Area: Where employees handle and mix flammable paints and solvents, there was 195 gallons of Class IB and II flammable liquids stored outside a flammable storage cabinet or room including Carboline paint, converter, activator, laquer thinner, and methyl ethyl ketone.

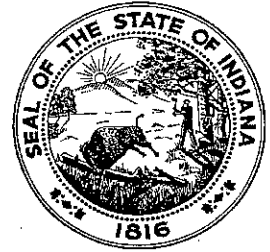
Sabre Manufacturing, LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1910.106(e)(2)(ii)(b)(2), which was contained in OSHA inspection number 313859829, citation number 01, item number 02, issued on 05/17/10, with respect to a workplace located at 5240 State Road 8, Knox, IN 46534.

Date By Which Violation Must be Abated: **05/08/2012**
Proposed Penalty: **\$4,000.00**

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 315861864
Inspection Dates: 11/15/2011 - 03/02/2012
Issuance Date: 04/12/2012



Safety Order and Notification of Penalty

Company Name: Sabre Manufacturing, LLC
Inspection Site: 5240 State Road 8, Knox, IN 46534

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

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 to rescued employees, and for preventing unauthorized personnel from attempting a rescue:

Spray Paint Booth: Sabre Manufacturing did not implement means of summoning emergency services where painters entered tanks in order to paint the interior of the tanks with Phenoline 310 parts A and B.

Sabre Manufacturing, LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1910.146(d)(9), which was contained in OSHA inspection number 313859829, citation number 01, item number 4e, issued on 05/17/2010, with respect to a workplace located at 5240 State Road 8, Knox, IN 46534.

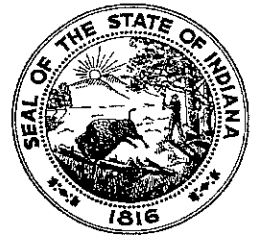
Date By Which Violation Must be Abated: 05/08/2012
Proposed Penalty: \$4,000.00



Robert A. Kattau
Director, Industrial Compliance

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: Sabre Manufacturing, LLC
Inspection Site: 5240 State Road 8, Knox, IN 46534
Issuance Date: 04/12/2012

Summary of Penalties for Inspection Number 315861864

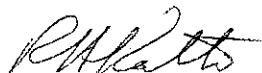
Safety Order 01, Serious	=	\$18,000.00
Safety Order 02, Repeat	=	\$8,000.00
Total Proposed Penalties		\$26,000.00

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).



Robert A. Kattau
Director, Industrial Compliance

4-12-12

Date