

## U.S. Department of Labor

Occupational Safety and Health Administration  
53 Pleasant Street  
Room 3901, J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## Citation and Notification of Penalty

**To:**

Foss Manufacturing Company, LLC  
and its successors  
11 Merrill Industrial Drive  
Hampton, NH 03842

**Inspection Number:** 910681**Inspection Date(s):** 06/07/2013 - 07/31/2013**Issuance Date:** 10/17/2013**Inspection Site:**

11 MERRILL INDUSTRIAL DRIVE  
Hampton, NH 03842

*The violation(s) described in this Citation 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.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest** to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

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

**Notification of Corrective Action** – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**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 U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**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 U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/17/2013. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 910681**

Company Name: Foss Manufacturing Company, LLC  
Inspection Site: 11 MERRILL INDUSTRIAL DRIVE, Hampton, NH 03842  
Issuance Date: 10/17/2013

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 MERRILL INDUSTRIAL DRIVE, Hampton, NH 03842

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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.

**Citation 1 Item 1 a** Type of Violation: **Serious**

29 CFR 1910.23(a)(8): Every floor hole into which persons can accidentally walk were not guarded:

a. Spin 2 Second floor- Employees operating the extruder were not protected from stepping into floor holes while monitoring the plastic strands coming down from the spin beam above the ceiling and then through the floor holes.

Date By Which Violation Must be Abated:  
Proposed Penalty:

10/29/2013  
\$5000.00

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 910681  
**Inspection Date(s):** 06/07/2013 - 07/31/2013  
**Issuance Date:** 10/17/2013



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
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**Citation 1 Item 1 b** Type of Violation: **Serious**

29 CFR 1910.23(b)(1): Open-sided floor(s) or platform(s) 4 feet or more above the adjacent floor or ground level were not guarded by standard railings (or the equivalent as specified in 29 CFR 1910.23(e)(3)(i) through (v)), on all open sides:

a. Spin 1 and 2, second floor- Employees were exposed to a fall hazard of approximately 10 feet where mid rails were not installed in wall openings used for loading the floors with materials.

Date By Which Violation Must be Abated:

Corrected During Inspection

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
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**Citation 1 Item 1 c** Type of Violation: **Serious**

29 CFR 1910.23(c)(1): Every open-sided floor or platform 4 feet or more above adjacent floor or ground level was not guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder:

a. Mezzanines over needle board room and lunch room- Employees working from the mezzanines were not protected from a fall hazard of approximately 10 feet where a mid rail was not installed along the open sided floors.

Date By Which Violation Must be Abated:

10/29/2013





**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
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**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.132(a) Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, was not provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact:

- a. Site- Employees operating a SkyJack aerial lift were not protected from an ejection hazard where personal fall restraint equipment was not worn while operating the lift.
- b. Fiber Line Roof- An employee working from the roof connecting hoses to the silo at the roof edge was not protected from a fall off approximately 20 feet where personal fall arrest equipment was not worn.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	10/23/2013
Proposed Penalty:	\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
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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.

**Citation 1 Item 3 a** Type of Violation: **Serious**

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards were present, or were likely to be present, which necessitated the use of personal protective equipment (PPE):

a. Site- The employer failed to determine whether face shields were required to be worn by employees working with hot plastic under pressure.

Date By Which Violation Must be Abated:	11/13/2013
Proposed Penalty:	\$5000.00

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Occupational Safety and Health Administration

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**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
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**Citation 1 Item 3 b** Type of Violation: **Serious**

29 CFR 1910.132(f)(1): The employer did not provide training to each employee who was required by this section to use PPE:

a. Site- Employees were not adequately trained to identify the tasks which required personal protective equipment such as but not limited to face shields.

Date By Which Violation Must be Abated:

11/13/2013

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Citation 1 Item 3 c** Type of Violation: **Serious**

29 CFR 1910.335(a)(1)(v): Employees exposed to the danger of injury to the eyes or face from electric arcs or flashes or from flying objects resulting from electrical explosion did not wear protective equipment for the eyes or face:

a. Site- Employees locking out electrical equipment and conducting voltage testing were not protected from burns to the face from arc blasts and arc flashes where face shields were not required to be worn.

Date By Which Violation Must be Abated:

10/23/2013

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**Company Name:** Foss Manufacturing Company, LLC  
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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.

**Citation 1 Item 4 a** Type of Violation: **Serious**

29 CFR 1910.137(b)(2)(ii): Insulating equipment was not inspected for damage before each day's use and immediately following any incident that could have been reasonably be suspected of having caused damage:

a. Site- Employees conducting voltage testing and locking out electrical equipment were not protected from electric shock where insulated gloves were not inspected for damage before each use.

Date By Which Violation Must be Abated:  
Proposed Penalty:

10/23/2013  
\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Citation 1 Item 4 b** Type of Violation: **Serious**

29 CFR 1910.137(b)(2)(iii)(A): Insulating equipment with defects such as hole(s), tear(s), puncture(s), or cut(s) shall not be used:

a. Site- An employee was not protected from electric shock when their Salisbury 500 volt insulated gloves were not taken out of service after sustaining a hole to the cuff from a burn.

Date By Which Violation Must be Abated:

10/23/2013

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Occupational Safety and Health Administration

**Inspection Number:** 910681  
**Inspection Date(s):** 06/07/2013 - 07/31/2013  
**Issuance Date:** 10/17/2013



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
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**Citation 1 Item 4 c Type of Violation: **Serious****

29 CFR 1910.137(b)(2)(viii): Electrical protective equipment was not subjected to periodic electrical tests:

a. Site- Employees using Salisbury 500 volt insulated gloves were not protected from electric shock when the employer failed to have each pair of gloves electrically tested before being issued and every six months thereafter.

**Date By Which Violation Must be Abated:**

**10/23/2013**

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

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**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
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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.

**Citation 1 Item 5 a** Type of Violation: **Serious**

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:

a. Fiber Line, Fourth Floor- Employees were allowed to enter permit required confined spaces, the crystallizers and dryers, without the employer identifying and evaluating the hazards of the permit spaces.

Date By Which Violation Must be Abated:  
Proposed Penalty:

10/23/2013  
\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



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**Citation 1 Item 5 b** Type of Violation: **Serious**

29 CFR 1910.146(d)(5)(i): The employer did not test conditions in the permit space to determine if acceptable entry conditions existed before entry was authorized:

a. Fiber Line, Fourth Floor- Employees were allowed to enter permit required confined spaces, the crystallizers and dryers, where the spaces were not tested to determine if acceptable entry conditions existed prior to entry.

Date By Which Violation Must be Abated:

10/23/2013

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Inspection Date(s):** 06/07/2013 - 07/31/2013  
**Issuance Date:** 10/17/2013



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
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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.

**Citation 1 Item 6 a** Type of Violation: **Serious**

29 CFR 1910.146(d)(6): The employer did not provide at least one attendant outside the permit space into which entry was authorized for the duration of entry operations:

a. Fiber Line, Fourth Floor- Employees were allowed to enter permit required confined spaces, the crystallizers and dryers, where the employer failed to provide at least one attendant outside the permit spaces for the duration of the entry operations.

Date By Which Violation Must be Abated:	10/23/2013
Proposed Penalty:	\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 910681  
Inspection Date(s): 06/07/2013 - 07/31/2013  
Issuance Date: 10/17/2013



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 MERRILL INDUSTRIAL DRIVE, Hampton, NH 03842

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**Citation 1 Item 6 b** Type of Violation: **Serious**

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 and identify the duties of each such employee:

a. Fiber Line, Fourth Floor- Employees were allowed to enter permit required confined spaces, the crystallizers and dryers, where the employer failed to designate the persons who were to have active roles in the entry operations and identify the duties of the duties of each employee.

Date By Which Violation Must be Abated:

10/23/2013

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 910681  
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**Issuance Date:** 10/17/2013



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
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**Citation 1 Item 7** Type of Violation: **Serious**

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:

a. Fiber Line, Fourth Floor- Employees were allowed to enter permit required confined spaces, the crystallizers and dryers, where the employer failed to implement entry permits.

Date By Which Violation Must be Abated:  
Proposed Penalty:

10/23/2013  
\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

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**Company Name:** Foss Manufacturing Company, LLC  
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**Citation 1 Item 8** Type of Violation: **Serious**

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146 (permit required confined spaces) acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under 29 CFR 1910.146:

a. Fiber Line, Fourth Floor- Employees were allowed to enter permit required confined spaces, the crystallizers and dryers, where the employer failed to provide permit required confined space training.

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/05/2013  
\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

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**Citation 1 Item 9** 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 the activities covered by this section:

a. Fiber Line- Employees were exposed to amputation and crushing injuries where the crystallizers were not locked out or tagged out prior to employees entering the crystallizers for cleaning.

b. Fiber Line- On or about May 22, 2013 an employee was exposed to burn injuries where the spin 2 extruder was not locked out or tagged out and residual pressure inside the extruder was not relieved prior to replacing a metering pump on the spin beam.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	10/23/2013
Proposed Penalty:	\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Occupational Safety and Health Administration

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**Citation 1 Item 10** Type of Violation: **Serious**

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard were being followed:

a. Site- Employees were not protected from amputation, crushing, asphyxiation, and burn hazards where the employer failed to conduct an annual inspection of their energy control procedures.

Date By Which Violation Must be Abated: 11/13/2013  
Proposed Penalty: \$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Citation 1 Item 11** Type of Violation: **Serious**

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure that the purpose and function of the energy control program were understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls was acquired by employees:

a. Site- Employees exposed amputation, crushing, asphyxiation, and burn hazards were not provided with adequate training regarding the safe application, usage, and removal of energy controls with process equipment where maintenance and cleaning operations were taking place.

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/13/2013  
\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



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**Citation 1 Item 12** Type of Violation: **Serious**

29 CFR 1910.178(a)(4): Modifications and additions which affected the capacity and safe operation were not be performed by the customer or user without manufacturers prior written approval. Capacity, operation, and maintenance instruction plates, tags, or decals were not changed accordingly:

a. Site- Employees operating Yale electric and propane fork trucks were not protected from exceeding the maximum load capacities of the fork trucks where one extendable boom and six pole attachments were used without obtaining the manufactures prior written approval.

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/13/2013  
\$5000.00

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**Citation 1 Item 13** Type of Violation: **Serious**

29 CFR 1910.184(d): Damaged or defective sling(s) were not immediately removed from service:

a. Site- Employees were not protected from crushing and struck by injuries where synthetic web slings used for rigging were not taken out of service after sustaining excessive damage.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 MERRILL INDUSTRIAL DRIVE, Hampton, NH 03842

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**Citation 1 Item 14** Type of Violation: **Serious**

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

- a. Fabric Line- Employees operating the bale press were not protected from crushing and amputation hazards where employees placed their hands in the point of operation while loading and unloading the press after the barrier guards had been moved out of the way.
- b. Maintenance Department- Employees operating the two band saws were not protected from lacerations where the blade guards did not cover the entire unused portions of the blades above the adjustable guards.
- c. Fiber Line, Spin 1 and 2, First and Second Floor- Employees were not protected from bodily injury where rotating parts in front of the take up were not guarded.

Date By Which Violation Must be Abated:	11/05/2013
Proposed Penalty:	\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 910681  
**Inspection Date(s):** 06/07/2013 - 07/31/2013  
**Issuance Date:** 10/17/2013



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 MERRILL INDUSTRIAL DRIVE, Hampton, NH 03842

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 15 a      Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Grinding machinery was not used with work rest(s) to support offhand grinding work:

- a. Fiber line, second floor- Employees were exposed to a severe laceration hazard where the Ryobi bench grinder was used with the work rest turned down.
- b. Vehicle maintenance shop- Employees were exposed to a severe laceration hazard where the Milwaukee bench grinder was used without a work rest.

Date By Which Violation Must be Abated:  
Proposed Penalty:

10/29/2013  
\$4000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 910681  
**Inspection Date(s):** 06/07/2013 - 07/31/2013  
**Issuance Date:** 10/17/2013



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 MERRILL INDUSTRIAL DRIVE, Hampton, NH 03842

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Citation 1 Item 15 b      Type of Violation: **Serious**

29 CFR 1910.215(b)(9): The distance between the wheel periphery and the adjustable tongue or the end of the peripheral member at the top shall exceed one-fourth inch:

- a. Fiber line, second floor- Employees were exposed to a severe laceration hazard where the Ryobi bench grinder was used without a tongue guard.
- b. Metal shop- Employees were exposed to a severe laceration hazard where the Dayton pedestal grinder was used without a tongue guard.

Date By Which Violation Must be Abated:

10/29/2013

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 910681  
**Inspection Date(s):** 06/07/2013 - 07/31/2013  
**Issuance Date:** 10/17/2013



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 MERRILL INDUSTRIAL DRIVE, Hampton, NH 03842

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**Citation 1 Item 16** Type of Violation: **Serious**

29 CFR 1910.219(c)(2)(i): All exposed part(s) of horizontal shafting seven (7) feet or less from floor or working platform were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

a. Fiber Line, Spin 1, First Floor- Employees were exposed to laceration and amputation hazards where horizontal shafting was not guarded behind the take up machinery.

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/05/2013  
\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 910681  
**Inspection Date(s):** 06/07/2013 - 07/31/2013  
**Issuance Date:** 10/17/2013



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 MERRILL INDUSTRIAL DRIVE, Hampton, NH 03842

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**Citation 1 Item 17** Type of Violation: **Serious**

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment:

a. Site- Employees were exposed to air embolism and laceration hazards while using defective Guardair safety air guns for cleaning that did not limit air pressure to less than 30 psi.

Date By Which Violation Must be Abated:  
Proposed Penalty:

10/23/2013  
\$4000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 MERRILL INDUSTRIAL DRIVE, Hampton, NH 03842

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**Citation 1 Item 18** Type of Violation: **Serious**

29 CFR 1910.332(b)(1): Employees were not trained in and familiar with the safety-related work practices required by 1910.331 through 1910.335 that pertain to their respective job assignments:

- a. Site- Employees locking out electrical equipment and conducting voltage testing were not protected from electric shock and burns where electrical safe work practice training was not provided by the employer.
- b. Site- Employees engaged in maintenance work near electrical parts that are not insulated and are not qualified persons were not protected from electric shock and burns where electrical safe work practice training was not provided by the employer.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/13/2013
Proposed Penalty:	\$7000.00



**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 910681  
**Inspection Date(s):** 06/07/2013 - 07/31/2013  
**Issuance Date:** 10/17/2013



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 MERRILL INDUSTRIAL DRIVE, Hampton, NH 03842

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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.

Citation 1 Item 19 a      Type of Violation: **Serious**

29 CFR 1910.333(a)(1): Live parts to which an employee may be exposed were not deenergized before the employee worked on or was near to them:

a. Fiber Line, Spin 2, Second Floor- On or about 4/24/2013 employees conducting maintenance work on the screen changer were not protected from electric shock and burns where exposed live conductors operating at 480 volts inside the screen changer were not de-energized. After the maintenance work was complete an arc flash occurred while an employee was installing the cover on the screen changer.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	10/23/2013
Proposed Penalty:	\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 910681  
Inspection Date(s): 06/07/2013 - 07/31/2013  
Issuance Date: 10/17/2013



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 MERRILL INDUSTRIAL DRIVE, Hampton, NH 03842

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Citation 1 Item 19 b      Type of Violation: **Serious**

29 CFR 1910.333(b)(2)(iii)(A): A lock and a tag were not placed on each disconnecting means used to deenergize circuits and equipment on which work was to be performed:

a. Fiber Line, Spin 2, Second Floor- On or about 4/24/2013 employees conducting maintenance work on the screen changer were not protected from electric shock and burns where a lock and tag were not placed on each electric disconnect. After the maintenance work was complete an arc flash occurred while an employee was installing the cover on the screen changer.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

10/23/2013

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 910681  
Inspection Date(s): 06/07/2013 - 07/31/2013  
Issuance Date: 10/17/2013



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 MERRILL INDUSTRIAL DRIVE, Hampton, NH 03842

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Citation 1 Item 19 c      Type of Violation: **Serious**

29 CFR 1910.333(b)(2)(iv)(A): Before circuits or equipment were worked as deenergized, a qualified person did not operate the equipment operating controls or otherwise verify that the equipment could not be restarted:

a. Fiber Line, Spin 2, Second Floor- On or about 4/24/2013 employees conducting maintenance work on the screen changer were not protected from electric shock and burns where a qualified person did not verify that power inside the screen changer was de-energized before the maintenance work began. After the maintenance work was complete an arc flash occurred while an employee was installing the cover on the screen changer.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

10/23/2013

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 MERRILL INDUSTRIAL DRIVE, Hampton, NH 03842

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Citation 1 Item 19 d      Type of Violation: **Serious**

29 CFR 1910.333(b)(2)(ii)(A): Safe procedures for deenergizing circuits and equipment were not determined before circuits and equipment were denergized.

a. Fiber Line, Spin 2, Second Floor- On or about 4/24/2013 employees conducting maintenance work on the screen changer were not protected from electric shock and burns where the employer failed to develop safe procedures for de-energizing the equipment. While completing a reoccurring maintenance work task an arc flash occurred when an employee was installing the cover on the screen changer.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

10/23/2013

A handwritten signature in blue ink, appearing to read "Rosemarie Ohar", written over a horizontal line.

**Rosemarie Ohar**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
53 Pleasant Street  
Room 3901, J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 MERRILL INDUSTRIAL DRIVE, Hampton, NH 03842  
**Issuance Date:** 10/17/2013

<b>Summary of Penalties for Inspection Number</b>	<b>910681</b>
<b>Citation 1, Serious</b>	<b>\$101000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$101000.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

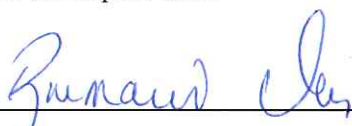
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount

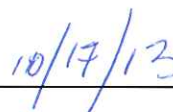
becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

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



Rosemarie Ohar  
Area Director



Date

## U.S. Department of Labor

Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## Citation and Notification of Penalty

**To:**  
Foss Manufacturing Company, LLC  
and its successors  
11 Merrill Industrial Drive  
Hampton, NH 03842

**Inspection Number:** 912950  
**Inspection Date(s):** 06/20/2013 - 06/20/2013  
**Issuance Date:** 10/17/2013

**Inspection Site:**  
11 Merrill Industrial Drive  
Hampton, NH 03842

*The violation(s) described in this Citation 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.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.**

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

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

**Notification of Corrective Action** – For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an *abatement certification* to the Area Director of the OSHA office issuing the citation as identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

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

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 be posted at the location where the violation appeared and the corrective action took place.



**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 U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**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 U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/17/2013. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 912950**

Company Name: Foss Manufacturing Company, LLC  
Inspection Site: 11 Merrill Industrial Drive, Hampton, NH 03842  
Issuance Date: 10/17/2013

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 Merrill Industrial Drive, Hampton, NH 03842

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**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1910.95(g)(5)(ii): Where mobile test vans were used to meet the audiometric testing obligation, the employer did not obtain a valid baseline audiogram within 1 year of an employee's first exposure at or above the action level:

- a. DILO Line - An employee hired as a temporary worker on June 6, 2012, who had since become a permanent employee, was not provided with a baseline audiogram within one year of the employee's first exposure to noise at or above the action level. On or about June 20, 2013, this employee was exposed to noise levels at 144.6% of the action level of 85 dBA. The equivalent level of the 144.6% is approximately 92.7 dBA. The sampling was performed for 443 minutes during one work shift on June 20, 2013.
- b. Line A - An employee hired as a temporary worker on May 31, 2012, who had since become a permanent employee, was not provided with a baseline audiogram within one year of the employee's first exposure to noise at or above the action level. Representative employee monitoring at Line A on June 20, 2013, showed a noise level of 94.6 dBA (104.6% of the dose).
- c. Line J - An employee hired as a temporary worker on April 19, 2012, who had since become a permanent employee, was not provided with a baseline audiogram within one year of the employee's first exposure to noise at or above the action level. Representative employee monitoring at Line J on June 20, 2013, showed a noise level of 92.3 dBA (128.1% of the dose).
- d. Line B - An employee hired as a temporary worker on March 13, 2012, who had since become a permanent employee, was not provided with a baseline audiogram within one year of the employee's first exposure to noise at or above the action level. The employer's monitoring of Line B on February 13, 2013, and February 27, 2013, indicated sound level meter readings of 97 - 98 dB. Representative employee monitoring of Line C (similar noise levels to Line B) on June 20, 2013, showed a noise level of 101.4 dBA (425% of the dose).

*(continued on next page)*

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 912950  
**Inspection Date(s):** 06/20/2013 - 06/20/2013  
**Issuance Date:** 10/17/2013



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 Merrill Industrial Drive, Hampton, NH 03842

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*(continued from previous page)*

**Abatement Note:** All production areas were designated by the employer as Hearing Conservation Program areas, with hearing protection required. All employees working in these areas, whether temporary or permanent, must be provided with a baseline audiogram in accordance with 1910.95(g) within 6 months of an employee's first exposure to noise at or above the action level, OR if using a mobile test van, within one year of an employee's first exposure to noise at or above the action level, regardless of whether or not they are offered permanent employment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/13/2013
Proposed Penalty:	\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 Merrill Industrial Drive, Hampton, NH 03842

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**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.95(g)(8)(ii)(B): When a standard threshold shift occurred that was determined to be work-related or aggravated by occupational noise exposure, the employer did not ensure that employees already using hearing protectors were refitted and retrained in the use of hearing protectors, and provided with hearing protectors offering greater attenuation, if necessary:

- a. Throughout facility - In November 2012, four employees who experienced a Standard Threshold Shift in hearing as compared to their baseline audiogram had not been retrained in the use of hearing protectors and provided and/or refitted, if necessary, with hearing protectors offering greater attenuation.
- b. Throughout facility - In September 2011, five employees who experienced a Standard Threshold Shift in hearing as compared to their baseline audiogram had not been retrained in the use of hearing protectors and provided and/or refitted, if necessary, with hearing protectors offering greater attenuation.
- c. Throughout facility - In October 2010, two employees who experienced a Standard Threshold Shift in hearing as compared to their baseline audiogram had not been retrained in the use of hearing protectors and provided and/or refitted, if necessary, with hearing protectors offering greater attenuation.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/21/2013
Proposed Penalty:	\$7000.00

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 912950  
**Inspection Date(s):** 06/20/2013 - 06/20/2013  
**Issuance Date:** 10/17/2013



**Citation and Notification of Penalty**

**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 Merrill Industrial Drive, Hampton, NH 03842

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**Citation 2 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1910.95(l)(1): The employer did not post of copy of 29 CFR 1910.95 in the workplace:

- a. Establishment - The employer had not posted a copy of 29 CFR 1910.95, Occupational Noise Exposure, in the workplace for all affected employees in the facility who were covered under this standard.

Date By Which Violation Must be Abated:  
Proposed Penalty:

10/29/2013  
\$0.00

A handwritten signature in blue ink that reads "Rosemarie Ohar".

**Rosemarie Ohar**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Foss Manufacturing Company, LLC  
**Inspection Site:** 11 Merrill Industrial Drive, Hampton, NH 03842  
**Issuance Date:** 10/17/2013

<b>Summary of Penalties for Inspection Number</b>	<b>912950</b>
<b>Citation 1, Serious</b>	<b>\$14000.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$14000.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

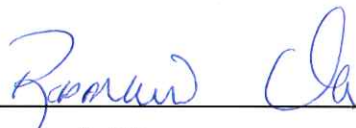
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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



**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

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



Rosemarie Ohar  
Area Director



Date