

U.S. Department of Labor
Occupational Safety and Health Administration
FEDERAL OFFICE BUILDING RM 899
1240 EAST 9TH STREET
CLEVELAND, OH 44199-2050
Phone: (216) 615-4266 FAX: (216) 615-4234



Citation and Notification of Penalty

To:
Steel Structures of Ohio, LLC
and its successors
1324 Firestone Parkway
Akron, OH 44301

Inspection Number: 315443663
Inspection Date(s): 04/13/2011- 05/23/2011
Issuance Date: 10/11/2011

Inspection Site:
1324 Firestone Parkway
Akron, OH 44301

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 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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

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 page 4 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 and 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 citations 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.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also 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 your inspection will be available 30 calendar days after the Citation Issuance Date.ress 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 your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at 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 10/11/2011. The conference will be held at the OSHA office located at FEDERAL OFFICE BUILDING RM 899, 1240 EAST 9TH STREET, CLEVELAND, OH, 44199-2050 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

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

Inspection Number: 315443663
Inspection Dates: 04/13/2011 - 05/23/2011
Issuance Date: 10/11/2011



Citation and Notification of Penalty

Company Name: Steel Structures of Ohio, LLC
Inspection Site: 1324 Firestone Parkway, Akron, OH 44301

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

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

29 CFR 1910.107(c)(2): Open flame(s) or spark producing equipment were located in the spraying area(s):

The employer did not ensure that multiple 480 volt electrical junction boxes or fused disconnect switches located in the South end of the building (which is used as a paint room) were separated from the spraying activity.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	10/28/2011
Proposed Penalty:	\$ 2800.00

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

29 CFR 1910.303(b)(1): Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

The employer did not ensure that multiple 480 volt electrical junction boxes or fused disconnect switches located in the South end of the building (which is used as a paint room) were separated from the spraying activity.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	10/28/2011
--	-------------------

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: Steel Structures of Ohio, LLC
Inspection Site: 1324 Firestone Parkway, Akron, OH 44301

Citation 1 Item 2 Type of Violation: Serious

29 CFR 1910.107(d)(2): Spraying area(s) were not provided with mechanical ventilation adequate to remove flammable vapors, mists or powders to a safe location and to confine and control combustible residues:

As of 04/13/2011, the employer failed to ensure that the designated paint room located at the south end of the building had an exhaust or ventilation system to remove vapors, mists or powders which remain from flammable paints.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	10/28/2011
Proposed Penalty:	\$ 2800.00

Citation 1 Item 3 Type of Violation: Serious

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven feet or less above floors or platforms were not enclosed:

As of 04/13/2011, bolts were missing from the enclosure the surround the chain-and-sprocket drive of the conveyor unit. The chain-and- sprocket assembly measured approximately 29-30 inches from the drive to ground, which allowed for accidental/inadvertent contact with the drive.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	10/28/2011
Proposed Penalty:	\$ 4900.00

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

Inspection Number: 315443663
Inspection Dates: 04/13/2011-05/23/2011
Issuance Date: 10/11/2011



Citation and Notification of Penalty

Company Name: Steel Structures of Ohio, LLC
Inspection Site: 1324 Firestone Parkway, Akron, OH 44301

Citation 2 Item 1 Type of Violation: Willful

29 CFR 1910.179(l)(3)(i): Unsafe condition(s) disclosed during the frequent or periodic inspection(s) required by 29 CFR 1910.179(j) were not corrected before operation of the crane(s) was resumed:

As of 04/13/2011, deficiencies identified in a report prepared by an outside contractor performing a periodic inspection at the site on March 19, 2010 had not been corrected, before the crane was placed back into service. Subsequently the #4 (P&H) 10 ton hoist located in the south end of the paint shop by the Wheelabrator was missing several bolts from the load block cover and the latch of the load hook was distorted. Additionally the load block cover was discovered rubbing against the hoisting ropes increasing the potential for damage, gouging, and deformity, and preventing (proper) inspection of the sheaves.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	10/28/2011
Proposed Penalty:	\$ 49000.00

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: Steel Structures of Ohio, LLC
Inspection Site: 1324 Firestone Parkway, Akron, OH 44301

Citation 3 Item 1a Type of Violation: Repeat

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 measures:

As of 04/13/2011, the employer did not develop specific procedural steps to verify the effectiveness of lock out devices or other energy control measures utilized at the facility.

Steel Structures of Ohio, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.147 (c)(4)(i), which was contained in OSHA inspection number 313445446, citation number 1, item number 5(a) and was affirmed as a final order on 12/03/2009, with respect to a workplace at 1324 Firestone Parkway, Akron, OH 44301.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	11/13/2011
Proposed Penalty:	\$ 7000.00

Citation 3 Item 1b Type of Violation: Repeat

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 requirement of this standard were being followed:

As of 04/13/2011, annual inspections and/or audits of the company's lockout procedures were not conducted.

Steel Structures of Ohio, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.147 (c)(6)(i), which was contained in OSHA inspection number 313445446, citation number 1, item number 5(b) and was affirmed as a final order on 12/03/2009, with respect to a workplace at 1324 Firestone Parkway, Akron, OH 44301.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	10/28/2011
--	-------------------

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

Inspection Number: 315443663
Inspection Dates: 04/13/2011-05/23/2011
Issuance Date: 10/11/2011



Citation and Notification of Penalty

Company Name: Steel Structures of Ohio, LLC
Inspection Site: 1324 Firestone Parkway, Akron, OH 44301

Citation 3 Item 2 Type of Violation: Repeat

29 CFR 1910.178(l)(4)(iii): The evaluation of each powered industrial truck operator's performance was not performed at least once every three years:

As of 04/13/2011, the employer failed to assure that employees who operated the company's powered industrial vehicles (piv) were re-evaluated every three years. Equipment includes, but is not limited to: a Yale (lp) forklift; the Hyster 60 (lp) forklift (etc).

Steel Structures of Ohio, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.178(l)(4)(iii), which was contained in OSHA inspection number 313445446, citation number 1, item number 6 and was affirmed as a final order on 12/03/2009, with respect to a workplace at 1324 Firestone Parkway, Akron, OH 44301.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	11/13/2011
Proposed Penalty:	\$ 5600.00

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: 315443663
Inspection Dates: 04/13/2011 - 05/23/2011
Issuance Date: 10/11/2011



Citation and Notification of Penalty

Company Name: Steel Structures of Ohio, LLC
Inspection Site: 1324 Firestone Parkway, Akron, OH 44301

Citation 3 Item 3 Type of Violation: Repeat

29 CFR 1910.179(g)(1)(v): Pendant control box(es) were not clearly marked for identification of functions:

On 04/13/2011, the buttons of the six button pedant control for the 10 ton (Reliable) crane located at the south end of the building, were not marked for identification of function.

Steel Structures of Ohio, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.179(g)(1)(v), which was contained in OSHA inspection number 313445446, citation number 1, item number 7 and was affirmed as a final order on 12/03/2009, with respect to a workplace at 1324 Firestone Parkway, Akron, OH 44301.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	10/28/2011
Proposed Penalty:	\$ 4200.00

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: 315443663
Inspection Dates: 04/13/2011 - 05/23/2011
Issuance Date: 10/11/2011



Citation and Notification of Penalty

Company Name: Steel Structures of Ohio, LLC
Inspection Site: 1324 Firestone Parkway, Akron, OH 44301

Citation 3 Item 4a Type of Violation: Repeat

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) 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:

As of 04/13/2011, The rotating coupling and projecting bolt-head of the roller conveyor was unguarded and thus exposed employees to rotating parts and/or entanglement hazards.

Steel Structures of Ohio, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.212(a)(1), which was contained in OSHA inspection number 313445446, citation number 1, item number 9 and was affirmed as a final order on 12/03/2009, with respect to a workplace at 1324 Firestone Parkway, Akron, OH 44301.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	10/28/2011
Proposed Penalty:	\$ 9800.00

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: Steel Structures of Ohio, LLC
Inspection Site: 1324 Firestone Parkway, Akron, OH 44301

Citation 3 Item 4b Type of Violation: **Repeat**


29 CFR 1910.212(a)(3)(ii): Machine guarding was not provided to protect operator(s) and other employees in the machine area from hazards such as those created by point of operation:

On or before 04/13/2011, the Accurpress (250 ton) press brake located in the production area of the facility was unguarded and thus exposed operator(s) to pinch point and point of operation hazards. In addition, the rear of the press brake was also unguarded.

Steel Structures of Ohio, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.212(a)(1), which was contained in OSHA inspection number 313445446, citation number 1, item number 9 and was affirmed as a final order on 12/03/2009, with respect to a workplace at 1324 Firestone Parkway, Akron, OH 44301.

Abatement documentation required on this item.

Date By Which Violation Must be Abated: 10/28/2011


Howard B. Eberts
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration

FEDERAL OFFICE BUILDING RM 899

1240 EAST 9TH STREET

CLEVELAND, OH 44199-2050

Phone: (216) 615-4266 FAX: (216) 615-4234

OSHA Website Address: <http://www.osha.gov>



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Steel Structures of Ohio, LLC
Inspection Site: 1324 Firestone Parkway, Akron, OH 44301
Issuance Date: 10/11/2011

Summary of Penalties for Inspection Number 315443663

Citation 1, Serious	= \$	10500.00
Citation 2, Willful	= \$	49000.00
Citation 3, Repeat	= \$	26600.00
TOTAL PROPOSED PENALTIES	= \$	86100.00

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 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 two 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 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.



Howard B. Eberts
Cleveland Area Office

10/11/2011
Date

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

If the hazards itemized on this citation(s) are not abated/corrected and a follow-up inspection is conducted, your establishment may receive Failure to Abate Citation for the uncorrected hazards with subsequent additional monetary penalties of up to thirty (30) times the original penalty amount of the uncorrected hazards.

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