

U.S. Department of Labor
Occupational Safety and Health Administration
1240 East 9th Street Room 899
Cleveland, OH 44199
Phone: 216-615-4266 Fax: 216-615-4234



Citation and Notification of Penalty

To:
WARREN FABRICATING & MACHINING
CORPORATION
P.O. Box 216
Hubbard, OH 44425

Inspection Number: 76863
Inspection Date(s): 06/15/2011 - 07/01/2011
Issuance Date: 12/14/2011

Inspection Site:
7845 CHESTNUT RIDGE ROAD
Hubbard, OH 44425

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 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, 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, but not sooner than 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 12/14/2011. The conference will be held at the OSHA office located at 1240 East 9th Street, Room 899, Cleveland, OH 44199 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 76863

Company Name: WARREN FABRICATING & MACHINING CORPORATION

Inspection Site: 7845 CHESTNUT RIDGE ROAD, Hubbard, OH 44425

Issuance Date: 12/14/2011

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, 1240 East 9th Street, Room 899 Cleveland, OH 44199**

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: WARREN FABRICATING & MACHINING CORPORATION
Inspection Site: 7845 CHESTNUT RIDGE ROAD, Hubbard, OH 44425

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

29 CFR 1910.147(c)(4)(ii): The procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, the following:

Although the employer developed and implemented an energy control program for use at the facility, it was deficient and did not include specific machine procedures for all of the machinery used at the company.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 01/05/2012
Proposed Penalty: \$5000.00

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

29 CFR 1910.147(c)(6)(i): The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed.

As of 06/15/2011, annual inspections or audits of the company's lockout procedures were not documented or certified as being completed. Subsequently the employer's lo/to program was deficient, in that specific procedures to test the effectiveness of the lock out device(s) and other energy measures were not included in the company's energy control program and training of affected employees and others who work in the area where lock out is utilized was not documented or certified as being completed.

Date by which Violation must be Abated: 01/05/2012
Proposed Penalty: \$4000.00



Citation and Notification of Penalty

Company Name: WARREN FABRICATING & MACHINING CORPORATION
Inspection Site: 7845 CHESTNUT RIDGE ROAD, Hubbard, OH 44425

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

29 CFR 1910.147(c)(7)(i): The employer shall provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls area acquired by employees.

The employer failed to assure that employees were trained in the purpose and scope of the company's energy control program.

Date by which Violation must be Abated:	01/05/2012
Proposed Penalty:	\$4000.00

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

29 CFR 1910.178(l)(4)(iii): An evaluation of each powered industrial truck operator's performance shall be conducted at least once every three years.

As of 06/15/2011, the employer failed to document or certify that refresher training was provided to fork-truck operators every third year, as required.

Date by which Violation must be Abated:	Corrected During Inspection
Proposed Penalty:	\$4000.00

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

29 CFR 1910.178(p)(1): If at any time a powered industrial truck is found to be in need of repair, defective, or in any way unsafe, the truck shall be taken out of service until it has been restored to safe operating condition:



Citation and Notification of Penalty

Company Name: WARREN FABRICATING & MACHINING CORPORATION
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The employer failed to ensure that the company's (Yale) fork-truck was removed from service until restored to safe operations. Defects of the fork truck include, but are not limited to, the vehicle's warning lights not operational, the horn was damaged and not operational, and the vehicle's tires were extremely worn.

Date by which Violation must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4000.00

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

29 CFR 1910.178(q)(1): Any power-operated industrial truck not in safe operating condition shall be removed from service. All repairs shall be made by authorized personnel.

Inspections of the company's powered industrial trucks (forklifts) were not completed by operator(s) prior to the truck being placed into service. Deficient equipment includes, but is not limited to, the company's Yale forklift (unit #99) which had a horn that was not operational, inoperable vehicle's warning lights, and the vehicle's tires were extremely worn.

Date by which Violation must be Abated:

Corrected During Inspection

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

29 CFR 1910.179(j)(3): Periodic inspection. Complete inspections of the crane were not performed at intervals as generally defined in paragraph (j)(1)(ii)(b) of this section, depending upon its activity, severity of service, and environment, or as specifically indicated below. These inspections shall include the requirements of paragraph (j)(2) of this section and in addition, the following items. Any deficiencies such as listed shall be carefully examined and determination made as to whether they constitute a safety hazard:



Citation and Notification of Penalty

Company Name: WARREN FABRICATING & MACHINING CORPORATION
Inspection Site: 7845 CHESTNUT RIDGE ROAD, Hubbard, OH 44425

As of 06/15/2011, the employer did not ensure that periodic inspections of the company's overhead bridge crane, gantry cranes (etc) were completed, as required.

Date by which Violation must be Abated: 01/05/2012
Proposed Penalty: \$5000.00

Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.212(a)(1): Types of guarding. 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. Examples of guarding methods are-barrier guards, two-hand tripping devices, electronic safety devices, etc.

On or before 06/15/2011, the employer did not ensure that various equipment or machinery used at the site was affectively guarded. The unguarded equipment includes, but is not limited to,

- a. King Gray: CNC (CBM), 14 feet vertical boring mill , which exposing operators to hazards created by points of operation, rotating parts and flying parts or debris.
- b. Dorries: 20 feet vertical boring mill, which exposing operators to hazards created by points of operation, rotating parts and flying parts or debris.
- c. A suspended work platform, which is used to hoist equipment and personal inside the turbines and generators

during the construction phase, and exposed employees to crushing injury(ies) or amputation hazards from the unguarded hatch.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 01/05/2012
Proposed Penalty: \$7000.00



Citation and Notification of Penalty

Company Name: WARREN FABRICATING & MACHINING CORPORATION
Inspection Site: 7845 CHESTNUT RIDGE ROAD, Hubbard, OH 44425

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.242(b): Compressed air used for cleaning. Compressed air shall not be used for cleaning purposes except where reduced to less than 30 psi and then only with effective chip guarding and personal protective equipment.

Compressed air used by employees when cleaning parts was set at 75-80 psi, and did not have appropriate safeguards (e.g. pressure relief valves) available for employee use.

Date by which Violation must be Abated:

Corrected During Inspection

Proposed Penalty:

\$4000.00

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.243(c)(1): General requirements. Abrasive wheels shall be used only on machine provided with safety guards as defined in paragraph (c) (1) through (4) of this section.

Portable hand grinders used by employees throughout the facility at various stages of the construction of steam or gas turbines and generators, were unguarded.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:

01/05/2012

Proposed Penalty:

\$6000.00

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

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws.

U.S. Department of Labor

Occupational Safety and Health Administration

Inspection Number: 76863

Inspection Date(s): 06/15/2011 - 07/01/2011

Issuance Date: 12/14/2011



Citation and Notification of Penalty

Company Name: WARREN FABRICATING & MACHINING CORPORATION .

Inspection Site: 7845 CHESTNUT RIDGE ROAD, Hubbard, OH 44425

A lighting fixture used as task lighting by employees during the construction of steam and gas turbines or generators did not have adequate strain relief.

Date by which Violation must be Abated:

Corrected During Inspection

Proposed Penalty:

\$4000.00

Howard B Eberts
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1240 East 9th Street
Room 899
Cleveland, OH 44199
Phone: 216-615-4266 Fax: 216-615-4234



INVOICE / DEBT COLLECTION NOTICE

Company Name: WARREN FABRICATING & MACHINING CORPORATION
Inspection Site: 7845 CHESTNUT RIDGE ROAD, Hubbard, OH 44425
Issuance Date: 12/14/2011

Summary of Penalties for Inspection Number	76863
Citation 1, Serious	\$47000.00
TOTAL PROPOSED PENALTIES	\$47000.00

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 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.

Howard B Eberts

Area Director

Date