

U.S. Department of Labor **Occupational Safety and Health Administration**
Toledo Area Office
420 Madison Ave
Suite 600
Toledo, OH 43604
Phone: (419) 259-7542 Fax: (419) 259-6355
<http://www.osha.gov>



April 24, 2012

Mr. Daniel A. Kaplan
Attorney for
Johnson Controls Battery Group, Inc.
10300 Industrial St.
Holland, OH 43528

Dear Mr. Kaplan:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 1990, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dated together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 8 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 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 the citation. The running of this contest period is not interrupted by an informal conference. You must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of Electronic Freedom on 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.

Sincerely,


 **Kimberly Nelson**
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
420 Madison Ave Suite 600
Toledo, OH 43604
Phone: 419-259-7542 Fax: 419-259-6355



Citation and Notification of Penalty

To:

Johnson Controls Battery Group, Inc.
and its successors
10300 Industrial St.
Holland, OH 43528

Inspection Number: 108096**Inspection Date(s):** 10/25/2011 - 03/14/2012**Issuance Date:** 04/24/2012**Inspection Site:**

10300 Industrial St.
Holland, OH 43528

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.

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. 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 04/24/2012. The conference will be held at the OSHA office located at 420 Madison Ave, Toledo, OH 43604 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 108096

Company Name: Johnson Controls Battery Group, Inc.
Inspection Site: 10300 Industrial St., Holland, OH 43528
Issuance Date: 04/24/2012

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, 420 Madison Ave, Suite 600 Toledo, OH 43604**

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: Johnson Controls Battery Group, Inc.
Inspection Site: 10300 Industrial St., Holland, OH 43528

Citation 1 Item 1 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, shall be 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) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about October 25, 2011, the employer failed to provide adequate personal protective equipment to employees working in the unloader position on the COS lines. Employees were exposed to hazards from molten lead (Pb) splashes at temperatures ranging 945 to 970 degrees Fahrenheit while wearing terrycloth sleeves and a polyester/cotton blend uniform rather than flame retardant clothing.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:	05/15/2012
Proposed Penalty:	\$5,500.00



Citation and Notification of Penalty

Company Name: Johnson Controls Battery Group, Inc.
Inspection Site: 10300 Industrial St., Holland, OH 43528

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

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee used appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

a) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about October 25, 2011, the employer failed to require employees working in the unloader position on the COS lines to wear a face shield while reaming valves on the lead pots. Employees were exposed to hazards from molten lead (Pb) splashes at temperatures ranging 945 to 970 degrees Fahrenheit.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 05/15/2012
Proposed Penalty: \$5,500.00

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

29 CFR 1910.134(g)(1)(i)(A): The employer did not ensure that facial hair did not come between the sealing surface of the facepiece and the face or interfered with valve function:

a) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about November 10, 2011, the employer failed to ensure that employees who wore half-mask tight-fitting respirators were clean shaven. An employee working in Pasting as a relief operator was not clean shaven, and the job operation was overexposed to the permissible exposure limit on a regular basis.



Citation and Notification of Penalty

Company Name: Johnson Controls Battery Group, Inc.
Inspection Site: 10300 Industrial St., Holland, OH 43528

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 05/15/2012
Proposed Penalty: \$7,000.00

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

29 CFR 1910.138(b): The employer did not base the selection of the appropriate hand protection on an evaluation of the performance characteristics of the hand protection relative to the task(s) to be performed, conditions present, duration of use, and the hazards and potential hazards identified:

a) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about October 25, 2011, the employer failed to provide adequate hand protection to employees working in the unloader position on the COS lines. Employees were exposed to hazards from molten lead (Pb) splashes at temperatures ranging 945 to 970 degrees Fahrenheit while wearing gloves that were not flame retardant.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 05/15/2012
Proposed Penalty: \$5,500.00



Citation and Notification of Penalty

Company Name: Johnson Controls Battery Group, Inc.
Inspection Site: 10300 Industrial St., Holland, OH 43528

Citation 1 Item 5 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) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about November 10, 2011, the employer failed to guard the entrance of the lead grid on the Expanded Metal pasting lines 1 and 4, exposing employees to caught-in hazards from ingoing nip points.
- b) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about November 10, 2011, the employer failed to guard the entrance of the lead grid on the Powerframe pasting lines 2 and 3, exposing employees to caught-in hazards from ingoing nip points.
- c) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about November 10, 2011, the employer failed to guard the exit of the lead grid where paper was applied on the Expanded Metal pasting lines 1 and 4, exposing employees to caught-in hazards from ingoing nip points.
- d) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about November 10, 2011, the employer failed to guard the exit of the lead grid where paper was applied on the Powerframe pasting lines 1 and 4, exposing employees to caught-in hazards from ingoing nip points.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:	05/15/2012
Proposed Penalty:	\$6,600.00



Citation and Notification of Penalty

Company Name: Johnson Controls Battery Group, Inc.
Inspection Site: 10300 Industrial St., Holland, OH 43528

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

29 CFR 1910.1025(d)(7): Additional monitoring was not conducted whenever there was a production, process, control or personnel change which could have resulted in new or additional exposure to lead:

a) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about October 25, 2011, the employer failed to conduct additional air monitoring when employees worked greater than 8-hour shifts. Employees were exposed to hazards from lead when working 12 hours and the employer did not conduct additional monitoring or adjust the permissible exposure limit for the time worked.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 05/15/2012
Proposed Penalty: \$7,000.00

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

29 CFR 1910.1025(i)(2)(ii): The employer did not assure that change rooms were equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination:

a) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about November 1, 2011, the employer failed to ensure that employees had separate storage areas for clean and contaminated clothing. Employees were exposed to hazards from lead (Pb) when contaminated boots were stored on the floor of the women's locker room, which created potential for cross contamination between street shoes and work boots.



Citation and Notification of Penalty

Company Name: Johnson Controls Battery Group, Inc.
Inspection Site: 10300 Industrial St., Holland, OH 43528

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 06/06/2012
Proposed Penalty: \$7,000.00

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

29 CFR 1910.1025(i)(4)(iii): The employer did not assure that employees who worked in areas where their airborne exposure to lead was above the PEL without regard to the use of a respirator washed their hands and face prior to eating, drinking, smoking or applying cosmetics.

a) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about November 1, 2011, the employer failed to ensure that employees washed their hands prior to eating. Laboratory analysis of a wipe sample taken from an employee's hands following lunch indicated that 149.9 micrograms of lead (Pb) was present on the employee's hands.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 05/15/2012
Proposed Penalty: \$7,000.00



Citation and Notification of Penalty

Company Name: Johnson Controls Battery Group, Inc.
Inspection Site: 10300 Industrial St., Holland, OH 43528

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

29 CFR 1910.1025(h)(2)(ii): Shoveling, dry or wet sweeping, and brushing methods were used to remove lead accumulations where vacuuming or other equally effective methods were feasible:

a) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about November 1, 2011 and November 9, 2011, the employer failed to ensure that dry sweeping methods were not used in the COS and Pasting departments. Employees were observed, specifically loaders in COS on lines 6 and 7, sweeping with a push broom as well as using a hand brush and dust pan with Clean Sweep sweeping compound to sweep up debris at the end of their work shifts.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:	05/15/2012
Proposed Penalty:	\$60,500.00



Citation and Notification of Penalty

Company Name: Johnson Controls Battery Group, Inc.
Inspection Site: 10300 Industrial St., Holland, OH 43528

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

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

29 CFR 1910.1025(c)(1): Employee(s) were exposed to lead at concentrations greater than fifty micrograms per cubic meter of air averaged over an 8-hour period:

- a) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about November 10, 2011, an employee working as the relief operator in the Pasting department was overexposed to lead (Pb) at a time weighted average of 77.3 micrograms per cubic meter, which exceeded the OSHA permissible exposure limit of 50.0 micrograms per cubic meter by 155%.
- b) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about November 10, 2011, an employee working in the Pasting department on Line 1 was overexposed to lead (Pb) at a time weighted average of 73.8 micrograms per cubic meter, which exceeded the OSHA permissible exposure limit of 50.0 micrograms per cubic meter by 148%.
- c) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about November 10, 2011, an employee working as the oxide janitor was overexposed to lead (Pb) at a time weighted average of 202.7 micrograms per cubic meter, which exceeded the OSHA permissible exposure limit of 50.0 micrograms per cubic meter by 405%.

Johnson Controls, Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, which was contained in OSHA inspection #315134411, Citation 01, Item 2(a) and was affirmed as final order on April 4, 2011, with respect to a workplace located at 10215 N. 30th St., Tampa, Florida 33612.



Citation and Notification of Penalty

Company Name: Johnson Controls Battery Group, Inc.
Inspection Site: 10300 Industrial St., Holland, OH 43528

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 06/06/2012
Proposed Penalty: \$38,500.00

Citation 3 Item 1 b Type of Violation: Repeat - Serious

29 CFR 1910.1025(e)(1)(i): Engineering and work practice controls (including administrative controls) were not implemented to reduce and maintain employee exposure to lead in accordance with the schedule in Table I of this paragraph:

a) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about November 10, 2011, the employer failed to implement engineering and/or administrative controls to control employees exposure to lead (Pb). An employee working as the relief operator in the Pasting department was overexposed to lead (Pb) at a time weighted average of 77.3 micrograms per cubic meter, which exceeded the OSHA permissible exposure limit of 50.0 micrograms per cubic meter by 155%.

b) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about November 10, 2011, the employer failed to implement engineering and/or administrative controls to control employees exposure to lead (Pb). An employee working in the Pasting department on Line 1 was overexposed to lead (Pb) at a time weighted average of 73.8 micrograms per cubic meter, which exceeded the OSHA permissible exposure limit of 50.0 micrograms per cubic meter by 148%.



Citation and Notification of Penalty

Company Name: Johnson Controls Battery Group, Inc.
Inspection Site: 10300 Industrial St., Holland, OH 43528

c) Johnson Controls Battery Group, Inc. - Holland, Ohio: On or about November 10, 2011, the employer failed to implement engineering and/or administrative controls to control employees exposure to lead (Pb). An employee working as the oxide janitor was overexposed to lead (Pb) at a time weighted average of 202.7 micrograms per cubic meter, which exceeded the OSHA permissible exposure limit of 50.0 micrograms per cubic meter by 405%.

Abatement Note: Feasible abatement methods may include the following:

- 1) Use general ventilation to dilute and remove the fugitive contaminants that are not removed by local exhaust ventilation.
- 2) Ensure that clean make-up air is being supplied to the buildings. Make-up air can also feed clean, tempered air to the workers through supplied-air islands and showers.

Abatement Schedule

Step 1 - A written detailed plan of abatement shall be submitted to the Area Director outlining a schedule for the implementation of engineering and/or administrative measures to control employee exposures to hazardous substances as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with the abatement dates required by this citation:

- (1) Evaluation of engineering/administrative control options;
- (2) Selection of optimum control methods and completion of design;
- (3) Procurement, installation and operation of selected control measures;
- (4) Testing and acceptance or modification/redesign of controls.

All proposed control measures shall be approved for each particular use by a competent industrial hygienist or other technically qualified person. Sixty-day progress reports are required during the abatement period.



Citation and Notification of Penalty

Company Name: Johnson Controls Battery Group, Inc.
Inspection Site: 10300 Industrial St., Holland, OH 43528

Step 2 - Abatement shall have been completed by the implementation of feasible engineering and/or administrative controls upon verification of their effectiveness in achieving compliance within ninety days.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

Date by which Step 1 must be Abated: 06/24/2012

Date by which Step 2 must be Abated: 07/24/2012

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 07/24/2012

Citation 3 Item 2 Type of Violation: Repeat - Serious

29 CFR 1910.1025(h)(1): All surfaces were not maintained as free as practicable of accumulations of lead:

a) Johnson Controls Battery Group, Inc.- Holland, Ohio: On or about November 10, 2011, surfaces throughout Pasting and COS had contamination of lead oxide, exposing employees to the toxic material. The employer failed to ensure that surfaces were maintained as free as practical of lead contamination.

Johnson Controls, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, which was contained in OSHA inspection #315134411, Citation 02, Item 2 and was affirmed as final order on April 4, 2011, with respect to a workplace located at 10215 N. 30th St., Tampa, Florida 33612.

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

Inspection Number: 108096
Inspection Date(s): 10/25/2011 - 03/14/2012
Issuance Date: 04/24/2012



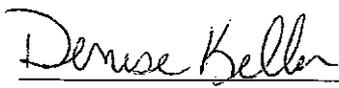
Citation and Notification of Penalty

Company Name: Johnson Controls Battery Group, Inc.
Inspection Site: 10300 Industrial St., Holland, OH 43528

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 05/15/2012
Proposed Penalty: \$38500.00



 **Kimberly Nelson**
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
420 Madison Ave Suite 600
Toledo, OH 43604
Phone: 419-259-7542 Fax: 419-259-6355



INVOICE / DEBT COLLECTION NOTICE

Company Name: Johnson Controls Battery Group, Inc.
Inspection Site: 10300 Industrial St., Holland, OH 43528
Issuance Date: 04/24/2012

Summary of Penalties for Inspection Number	108096
Citation 1, Serious	\$51,100.00
Citation 2, Willful - Serious	\$60,500.00
Citation 3, Repeat - Serious	\$77,000.00
TOTAL PROPOSED PENALTIES	\$188,600.00

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.



 **Kimberly Nelson**
Area Director



Date