

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
3300 Vickery Road,  
North Syracuse, NY 13212  
Phone: 315-451-0808 Fax: 315-451-1351



## Citation and Notification of Penalty

**To:**  
ZOTOS INTERNATIONAL INC.  
and its successors  
Allen Hawker, EHS Manager  
P.O. BOX 71,  
Geneva, NY 14456

**Inspection Site:**  
300 FORGE AVE.  
Geneva, NY 14456

**Inspection Number:** 189846  
**Inspection Date(s):** 01/10/2012 - 05/24/2012  
**Issuance Date:** 05/24/2012

*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 penalties 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 penalties.

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 penalties within 15 working days after receipt, the citation(s) and the proposed penalties 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](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 05/24/2012. The conference will be held at the OSHA office located at 3300 Vickery Road,, North Syracuse, NY 13212 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 189846**

Company Name: ZOTOS INTERNATIONAL INC.  
Inspection Site: 300 FORGE AVE., Geneva, NY 14456  
Issuance Date: 05/24/2012

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, 3300 Vickery Road, North Syracuse, NY 13212**

Citation Number   1   and Item Number   3a   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   3b   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   3c   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   4   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   5   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   6a   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   6b   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:** ZOTOS INTERNATIONAL INC.  
**Inspection Site:** 300 FORGE AVE., Geneva, NY 14456

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

29 CFR 1910.141(g)(4): Food or beverages were stored in area(s) exposed to toxic material(s):

**a) In the Silk Screen Department, on or about 1/12/12: Food and beverage were stored in cabinet, located adjacent to where employees use RhinoMite RMA 3000R glue containing methylene chloride.**

Date by which Violation must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$3000.00

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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 2 a** Type of Violation: **Serious**

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

**a) Next to the cooling tower, on or about 1/12/12: Where employees add corrosive chemicals including Justeq 07 containing sodium hypochlorite having a ph range of 12.5 to 13.7 to the cooling tower, an eyewash station was not provided in the area.**

Date by which Violation must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5000.00



**Citation and Notification of Penalty**

**Company Name:** ZOTOS INTERNATIONAL INC.  
**Inspection Site:** 300 FORGE AVE., Geneva, NY 14456

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

29 CFR 1910.1052(i)(2): It was reasonably foreseeable that an employee's eyes may contact solutions containing 0.1 percent or greater methylene chloride and the employer did not provide appropriate eyewash facilities within the immediate work area for emergency use:

**a) In the Silk Screening Department, on or about 1/12/12: Where employees use RhinoMite RMA 3000R glue, containing 83% methylene chloride, the eyewash station provided for the area was not functional.**

Date by which Violation must be Abated:

Corrected During Inspection

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 1910.1052(c)(2): The employer did not ensure that no employee was exposed to an airborne concentration of methylene chloride in excess of 125 parts per million as determined over a sampling period of 15 minutes:

**a) In the Silk Screening Department, on or about 3/15/12: During operations using Rhinomite RMA 3000R glue, an employee was exposed to an airborne concentration of 178 parts per million methylene chloride over 15 minutes.**

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

06/23/2012

Proposed Penalty:

\$7000.00



**Citation and Notification of Penalty**

**Company Name:** ZOTOS INTERNATIONAL INC.  
**Inspection Site:** 300 FORGE AVE., Geneva, NY 14456

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

29 CFR 1910.1052(f)(1): The employer did not institute and maintain the effectiveness of engineering controls and work practices to reduce employee exposure to or below the permissible exposure limits and wherever the feasible engineering controls and work practices which can be instituted were not sufficient to reduce employee exposure to or below the 8-hour time weighted average permissible exposure limit or short term exposure limit, the employer did not use them to reduce employee exposure to the lowest levels achievable and did not supplement them by the use of respiratory protection that complied with the requirements of 29 CFR 1910.1052(g):

**a) In the Silk Screening Department, on or about 3/15/12: Effective engineering controls were not implemented where an employee had a short term exposure of 178 parts per million methylene chloride.**

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

06/23/2012

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

29 CFR 1910.1052(g)(1)(i): Respirators were not used during periods when an employee's exposure to methylene chloride exceeds the 8-hour time weighted average permissible exposure limit or short term exposure limit:

**a) In the Silk Screen Department, on or about 3/15/12: Where employees use Rhinomite RMA 3000R glue, containing methylene chloride, respiratory protection was not used by employees. OSHA air sampling showed an employee short term exposure of 178 parts per million.**

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

06/23/2012

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

**Inspection Number:** 189846  
**Inspection Date(s):** 01/10/2012 - 05/24/2012  
**Issuance Date:** 05/24/2012



**Citation and Notification of Penalty**

**Company Name:** ZOTOS INTERNATIONAL INC.  
**Inspection Site:** 300 FORGE AVE., Geneva, NY 14456

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

29 CFR 1910.1052(e)(1): The employer did not establish a regulated area wherever an employee's exposure to airborne concentrations of methylene chloride exceeded or could reasonably be expected to exceed either the 8-hour Time Weighted Average Permissible Exposure Limit or the Short Term Exposure Limit:

**a) In the Silk screening department, on or about 3/15/12: A regulated area was not established where an employee had a short term exposure of 178 parts per million methylene chloride.**

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

06/23/2012  
\$7000.00

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

**Inspection Number:** 189846  
**Inspection Date(s):** 01/10/2012 - 05/24/2012  
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**Citation and Notification of Penalty**

**Company Name:** ZOTOS INTERNATIONAL INC.  
**Inspection Site:** 300 FORGE AVE., Geneva, NY 14456

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

29 CFR 1910.1052(j)(1)(i): The employer did not make medical surveillance available for employees who were or potentially were exposed to methylene chloride at or above the action level on 30 or more days per year, or above the 8-hour time weighted average permissible exposure limit or the short term exposure limit on 10 or more days per year:

**a) In the silk screen department, on or about 1/12/12: The employer did not make medical surveillance available to employees who use Rhinomite RMA 3000R glue containing methylene chloride more than 30 days per year, where the employers sampling results showed employees exposed to a time weighted average of 21 parts per million, and OSHA sampling showed employees exposed to a time weighted average of 16 parts per million and a short term exposure level of 178 parts per million.**

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

06/23/2012  
\$7000.00

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

**Inspection Number:** 189846  
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**Citation and Notification of Penalty**

**Company Name:** ZOTOS INTERNATIONAL INC.  
**Inspection Site:** 300 FORGE AVE., Geneva, NY 14456

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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 1910.1052(l)(1): The employer did not provide information and training for each affected employee prior to or at the time of initial assignment to a job involving potential exposure to methylene chloride:

**a) In the QA lab, on or about 2/14/12: Where employees use methylene chloride to perform QA work, the employer did not provide information and training on methylene chloride.**

**b) In the silk screening dept, on or about 2/13/12: Where employees use Rhinomite RMA 3000R glue, containing methylene chloride, the employer did not provide information and training on methylene chloride.**

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

06/23/2012  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** ZOTOS INTERNATIONAL INC.  
**Inspection Site:** 300 FORGE AVE., Geneva, NY 14456

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

**a) In the Silk Screen Department, on or about 1/12/12: Where Rhinomite RMA 3000R glue, containing methylene chloride and Rhinomite RMC 4 catalyst, containing MDI are used; an intern had not received adequate training on hazard communication.**

**b) In the Silk Screen Department, on or about 1/12/12: Where Rhinomite RMC 4 catalyst, containing MDI is used; employees had not received adequate training on hazard communication for hazardous chemicals in the area.**

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

06/23/2012



**Citation and Notification of Penalty**

**Company Name:** ZOTOS INTERNATIONAL INC.  
**Inspection Site:** 300 FORGE AVE., Geneva, NY 14456

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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 7 a** Type of Violation: **Serious**

29 CFR 1910.1200(f)(5)(i): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein:

**a) In the Packaging Department, near line 6, on or about 1/12/12: A bottle of flammable isopropyl alcohol was not labeled as to its chemical identity.**

**b) In the maintenance shop, on or about 1/12/12: A plastic squirt bottle, and red can containing flammable Methyl Ethyl Ketone were not labeled as to their chemical identity.**

Date by which Violation must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$3000.00



**Citation and Notification of Penalty**

**Company Name:** ZOTOS INTERNATIONAL INC.  
**Inspection Site:** 300 FORGE AVE., Geneva, NY 14456

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

29 CFR 1910.1200(f)(5)(ii): Appropriate hazard warnings, or alternatively, words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

- a) In the Packaging department, near line 6, on or about 1/12/12: A bottle of flammable isopropyl alcohol was not labeled as to appropriate hazard warnings.**
- b) In the maintenance shop, on or about 1/12/12: A squirt bottle and red can of flammable Methyl Ethyl Ketone were not labeled as to appropriate hazard warnings.**

Date by which Violation must be Abated:

Corrected During Inspection

A handwritten signature in black ink, appearing to read "Chris Adams", written over a horizontal line.

**Christopher Adams, CIH CSP**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
3300 Vickery Road,  
North Syracuse, NY 13212  
Phone: 315-451-0808 Fax: 315-451-1351



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** ZOTOS INTERNATIONAL INC.  
**Inspection Site:** 300 FORGE AVE., Geneva, NY 14456  
**Issuance Date:** 05/24/2012

<b>Summary of Penalties for Inspection Number</b>	<b>189846</b>
<b>Citation 1, Serious</b>	<b>\$39000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$39000.00</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.

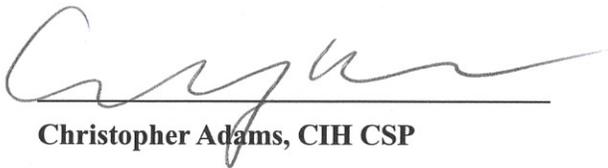
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

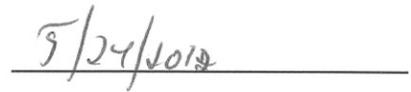
becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt 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.



**Christopher Adams, CIH CSP**  
Area Director



Date