

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
521 East Main Avenue, Suite 200  
Bismarck, ND 58501  
Phone: 701-250-4521 Fax: 701-250-4520



## Citation and Notification of Penalty

**To:**  
Adams Thermal Systems, Inc.  
47920 Fifth Street  
Canton, SD 57013

**Inspection Number:** 280914  
**Inspection Date(s):** 02/06/2012 - 02/17/2012  
**Issuance Date:** 08/06/2012

**Inspection Site:**  
47920 Fifth Street  
Canton, SD 57013

*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, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

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

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/06/2012. The conference will be held at the OSHA office located at 521 East Main Avenue, Suite 200, Bismarck, ND 58501 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 280914**

Company Name: Adams Thermal Systems, Inc.  
Inspection Site: 47920 Fifth Street, Canton, SD 57013  
Issuance Date: 08/06/2012

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, 521 East Main Avenue, Suite 200, Bismarck, ND 58501**

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:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

Section 5(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to explosion hazards while working with unlabeled building piping:

(a) On or about February 13, 2012 and at times prior, the employer did not ensure employees were protected from the hazards of working on unlabeled building piping. Materials in the piping included but were not limited to: dried air, compressed air, oxygen, acetylene, glycol, and oil.

Among other methods, one feasible and acceptable method to correct this hazard would be to ensure all building piping is labeled in accordance with ANSI standard A13.1-1981, Scheme for the Identification of Piping Systems.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012  
Proposed Penalty: \$3000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms or service rooms were not kept clean and orderly or in a sanitary condition:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from tripping and falling hazards in that the following areas were not maintained in a clean and orderly condition:

1. South side of the AVB, two 55-gallon drums of oil, two maintenance carts and other equipment were stored in the area reserved for the movement of the oven loading crane.
2. South side of the Maintenance Department, 2" x 2" metal stock and 1 1/2" round metal stock cover the passageway.
3. Proto Type Department, aluminum dust was not cleaned up around the Dewalt miter saw.
4. MFG Operations Team Supplies closet.
5. Plant Fire System Water Meter closet.
6. Product Engineering Supplies closet.
7. Engineering Test Lab, south room, radiators obstructed the passageway.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$4000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.22(b)(1): Where mechanical handling equipment was used, sufficient safe clearances were not allowed for aisles, at loading docks, through doorways and wherever turns or passage had to be made:

(a) On or about February 13, 2012, the employer did not ensure that employees were protected from crushing injuries while working with and near the following areas that were cluttered with materials, machines, radiators, and parts. The aisles were not wide enough for safe clearance:

1. Welders Shop;
2. Press Machine Area;
3. Warehouse Northeast Area; and
4. South wall of the CNC Punch Press area, employees had to cross over a material tilt platform to access the PPE locker.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012  
Proposed Penalty: \$4000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

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

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from falls in excess of 4 feet in the following areas:

1. Blower Area, height in excess of 9 feet; no fall protection (guardrails).
2. Core Builder Machines (throughout the facility), platform raises to 6'6"; no fall protection (guardrails).
3. Oiler Degreaser Area, maintenance platform in excess of 7 feet; no fall protection (guardrails).
4. Warehouse Bathroom (above) Storage, in excess of 9 feet; no fall protection (guardrails).

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:	10/09/2012
Proposed Penalty:	\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
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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 5A** Type of Violation: **Serious**

29 CFR 1910.24(b): Spiral stairways were used where it was practical to provide a conventional stairway:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from tripping and fall hazards while using a spiral stairway for access to an overhead storage area in the southwest corner of the Proto-Type Department.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:	09/10/2012
Proposed Penalty:	\$5000.00

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

**Inspection Number:** 280914  
**Inspection Date(s):** 02/06/2012 - 02/17/2012  
**Issuance Date:** 08/06/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
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**Citation 1 Item 5B** Type of Violation: **Serious**

29 CFR 1910.24(i): Fixed stairs did not have at least 7 feet of vertical clearance between stair treads and overhead obstructions, as measured from the leading edge of the tread:

(a) On or about February 16, 2012, and at times prior, the employer did not ensure employees were protected from head injuries while using the spiral stairs in the Proto-Type Department in that the headroom between the top landing and an eight-inch pipe was 55 inches.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:

09/10/2012

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:** 280914  
**Inspection Date(s):** 02/06/2012 - 02/17/2012  
**Issuance Date:** 08/06/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.27(b)(1)(iii): The clear length of rung(s) or cleat(s) on fixed ladder(s) was less than 16 inches:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from falls while using a fixed ladder to access the maintenance platform in the De-Oiling Area. The fixed ladder measured 9 1/2 inches wide (from upright to upright).

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$4000.00

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



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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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 7A** Type of Violation: **Serious**

29 CFR 1910.36(d)(1): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from injuries during an emergency where the exit door on the southwest corner of the warehouse wall, north of the restrooms did not open from the inside.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:	08/13/2012
Proposed Penalty:	\$6000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.

**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from injuries during an emergency where the exit routes were obstructed in the following areas:

1. Northeast corner of the cold storage aisles were blocked to exit.
2. Northeast corner of the warehouse aisle to exit up the stairs was blocked.
3. Northwest corner of the AVB, two exit doors opened onto the same exit route, thus exposing employees exiting the AVB to struck-by hazards.
4. South exit door in the Maintenance Shop.
5. Northeast corner of building next to spray booth, exit was blocked by labeling station.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:

08/13/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.37(b)(2): Each exit was not clearly visible and marked by a sign reading "Exit":

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from hazards during an emergency where the exit doors identified in the Emergency Evacuation Plan as exits were not marked as exits in the following areas:

1. Cab Area (south wall);
2. Corridor to warehouse (north of restrooms); and
3. Warehouse (northwest corner).

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:

08/13/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.37(b)(4): Signs were not posted along the exit access indicating the direction of travel to the nearest exit and exit discharge when the direction of travel to the exit or exit discharge was not immediately apparent:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from injuries during an emergency where the employer did not provide directional exit signs to guide employees through the facility to an exit.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:

09/10/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.36(g)(1): Ceiling(s) of exit route(s) were not at least seven feet, six inches (2.3 m) high and any projection(s) from ceiling(s) did not reach point(s) less than six feet, eight inches (2.0 m) from the floor:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from laceration hazards in that adequate headroom was not provided in the following exit routes;

1. AVB Department, southwest corner, behind the AVAR #4 furnace, a pipe and flange crossed the walkway that was between 73-75 inches above the ground level.
2. Round Tube Department, northwest corner, ductwork outside the exit door required employees to bend over and go under the ductwork which was between 58-67 inches off the ground.
3. Paint and Pack Area, paint system conveyor rail was 74 inches from the ground.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012  
Proposed Penalty: \$6000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.36(h)(2): Outdoor exit route(s) were not covered or snow and ice accumulations were not removed before it would present a slipping hazard:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from slip and fall hazards in that the outdoor exit routes on the south side of the building were not covered or kept clear of ice and snow.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$6000.00

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

Inspection Number: 280914  
Inspection Date(s): 02/06/2012 - 02/17/2012  
Issuance Date: 08/06/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.36(h)(3): The outdoor exit route did not have a reasonably straight, smooth, solid, and substantially level walkway:

(a) On or about February 14, 2012, and at times prior, the employer did not ensure employees were protected from slip and trip hazards in that the two outdoor exit routes on the north side of the Round Tube area were not provided with established walkways.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:	09/10/2012
Proposed Penalty:	\$6000.00

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:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.137(b)(2)(viii): Electrical protective equipment was not subjected to periodic electrical tests in accordance with Tables I-5 and I-6:

(a) On or about February 14, 2012, and at times prior, the employer did not ensure employees were protected from electrical hazards in that the Class O and OO rubber-insulated gloves used by the electrician were not subjected to periodic electrical testing.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$5000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.147(c)(5)(ii)(D): Lockout devices and tagout devices did not indicate the identity of the employee applying the device(s):

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from electrical injuries while working with and near the following equipment that was not provided with any identification means as to who had installed lock-out and tag-out devices:

1. CAB, northeast corner, an electric motor for a water pump tagged-out.
- 2) AVB, northeast corner, breaker on a distribution panel was locked-out.
- 3) AVB, Assembly Press machine #21479 had a lock on the electrical panel.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 08/13/2012  
Proposed Penalty: \$3000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.147(d)(4)(ii): Lockout devices utilized were not affixed in a manner that held the energy isolating device in a safe or off position:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from hazards in the AVB in that the Assembly Press machine #21479 was unplugged from the power source, but the plug was not controlled in any manner and the lockout device was installed in a manner that would still allow equipment start-up.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:	09/10/2012
Proposed Penalty:	\$3000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from struck-by hazards from unstable material being stored in the following locations:

1. West corner of the Press Department, tube feeders stored on the die tooling cabinet were not secured.
2. Maintenance Department, material stored on top of the south cabinets was unstable and not secured.
3. Engineering Test Lab, north room, racks holding tested radiators were overloaded and bending.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:	08/20/2012
Proposed Penalty:	\$6000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.178(p)(1): Powered industrial truck(s) found to be in need of repair, defective, or in any way unsafe had not been taken out of service until restored to safe operating condition(s):

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from hazards while working with and near the following fork trucks that needed repairs and were unsafe:

1. Caterpillar, M007259, due to the lack of hydraulic fluid, the forklift could only lift the dies (less than 10,000 lbs.) 4-5 feet off the ground.
2. Yale, 113913, taillights not functional.
3. Caterpillar, M009345, wheel bearings were grinding.
4. Caterpillar, M008029, broken taillight bulb and lens and the headlight was not functional.
5. Mitsubishi, rental, taillights and headlights were not functional.
6. F168093, rental, broken taillight bulb and lens.
7. Caterpillar, M009346, amber flashing light was burned out.
8. 6484, rental, seat belt indicator bulb was burned out.
9. M78980, Press Department, battery indicator stays on and hydraulic hoses were damaged.
10. Caterpillar, M77190, parking brake does not hold in idle position.
11. Caterpillar, NA00042, no headlights or brake lights (possible electrical short) and the parking brake does not hold in idle position.

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

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

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Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$7000.00

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

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

29 CFR 1910.179(b)(5): The rated load of crane(s) was not plainly marked on each side of the crane:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from hazards while using the Assembly overhead crane #290 in that there were two different load markings, one on the hoist and the other on the bridge.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$4000.00

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



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.179(j)(2): The items listed in subparagraphs (j)(2)(i)-(vii) were not inspected for defects at intervals as defined in paragraph (j)(1)(ii) of this section or as specifically indicated, and all deficiencies were not carefully examined and a determination made as to whether they constituted a safety hazard:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from overhead hazards in that frequent crane inspections were not being conducted within the facility to address such hazards as:

1. Assembly crane #291, pendant controls were not being properly marked.
2. Assembly crane #291, pendant control cable was not provided with an adequate restraint device.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012  
Proposed Penalty: \$4000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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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 18A**      Type of Violation: **Serious**

29 CFR 1910.184(c)(1): Sling(s) that were damaged or defective were used:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from falling loads while working with and near a crane in the welding station where the synthetic sling was damaged (frayed).

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 08/13/2012  
Proposed Penalty: \$3000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.184(d): Each day before being used, the sling and all fastenings and attachments were not being inspected for damage or defects by a competent person designated by the employer:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from falling and struck-by injuries while working with and near overhead cranes in that synthetic slings and chain slings were not inspected prior to use nor were periodic inspections made.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 08/13/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.184(e)(1): Alloy steel sling(s) did not have permanently affixed, durable identification stating size, grade, rated capacity, and reach:

(a) On or about February 14, 2012, and at times prior, the employer did not ensure employees were protected from struck-by hazards in that alloy steel chain slings in the 3/4-inch Tube area and Welding area were not provided with identification tags.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012



### Citation and Notification of Penalty

**Company Name:** Adams Thermal Systems, Inc.

**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) such as those created by ingoing nip points and rotating parts:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from ingoing nip points and rotating parts while working with and near the following areas:

1. Tube Guide, 80 millimeter to 100 millimeter piece of tubes pass through a guide that is not guarded (ten inches).
2. Lift Loaders (2), where moving arms create pinch points and were not guarded.
3. Robinson Machines, side rails (panels) reciprocating up and down were not guarded.
4. Expander Machine (LM4106), push rod lever did not have an adequate guard.
5. Expander Machine (LN3102), turn table was not guarded (ten-inch clearance).
6. Expander Machine (LN3102), push rod lever did not have an adequate guard.
7. Expander Machine (LN100), no cover on the rotating wheel.
8. Auto Breaker (LN1396), wheel and arm were not guarded.
9. Stretch Wrapper, turn table was not guarded.
10. AVB, crushing hazard between the transfer cart and fixed equipment and material stored next to operating path.
11. Round Tube press area, P.A. Industries, pinch roller not guarded.
12. Round Tube press area, brake assembly on the Federal 60-ton press was not guarded.

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:** Adams Thermal Systems, Inc.

**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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13. Round Tube area, Pine Bender not adequately guarded.
14. Round Tube area, Conrac Tube Bender not adequately guarded.
15. Round Tube area, inadequate guard on the Burr grinder #24.
16. Round Tube area, Kalamazoo belt sander was not properly guarded.
17. The ejection shooters on the three Turbulators #267, 047, and 048 were not guarded.
18. Tubulator Fab area, a rotating wire spool next to the walkway was not guarded.
19. 3/4-inch area, Tube Bender, 6 stands of straightener rollers were not guarded.
20. 3/4-inch area, Bell Straightener Machine had a 12" x 12" opening in the sliding point-of-operation guarding door.
21. Swedge Machine, roller stand was not guarded.
22. Swedge Machine had a damaged plexiglas guard.
23. Straight Tube Cut-Off Machine, ejection shoot was not guarded.
24. Feed table for the Straight Tube Cut-Off Machine, feed rollers were not guarded.
25. Russello 60-ton press had a damaged rubber cover on the flywheel guard.
26. Proto-Type Department, Manhattan Heavy Duty Drill Press was not guarded.
27. Tooling Department, (6) milling machines were not provided with guarding.

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:** 280914  
**Inspection Date(s):** 02/06/2012 - 02/17/2012  
**Issuance Date:** 08/06/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012  
Proposed Penalty: \$7000.00

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

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

Inspection Number: 280914  
Inspection Date(s): 02/06/2012 - 02/17/2012  
Issuance Date: 08/06/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 20** Type of Violation: **Serious**

29 CFR 1910.212(a)(2): Guard(s) on machine(s) were not affixed to the machine or secured elsewhere when attachment to the machine was not possible:

(a) On or about February 14, 2012, and at times prior, the employer did not ensure employees were protected from amputation hazards while working with the Straight Tube Cut Off Saw in that the lower blade guard was damaged and kept coming off and binding the saw.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$5000.00

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:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 21** Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(ii): Point(s)-of-operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from amputation injuries while working with the following pieces of equipment that were not provided adequate point-of-operation guarding:

1. The Expander XP210 which was not guarded.
2. The Tube Mill Machine where the interlocks were by-passed while changing the rollers.
3. AVB, the Recor Engraver, the two-hand controls were not operational, and the employees were using the computer to start the machine.
4. Round Tube Area, the Torrington Vaill machine #44, the light curtain did not adequately protect the point-of-operation.
5. Tube Fab area, the Vollmer blade sharpener was not properly guarded.
6. CNC area, Accupress brake, an employee was using a foot pedal while bending small parts, rather than using the two-hand controls.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$7000.00

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

Inspection Number: 280914  
Inspection Date(s): 02/06/2012 - 02/17/2012  
Issuance Date: 08/06/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 22** Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one-eighth inch:

(a) On or about February 13, 2012 and at times prior, the employer did not ensure that employees were protected from injuries while working with a bench grinder where the work rests were not adjusted properly. The employee grinds different sizes of parts on the grinder.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

08/13/2012  
\$5000.00

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

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

**Inspection Number:** 280914  
**Inspection Date(s):** 02/06/2012 - 02/17/2012  
**Issuance Date:** 08/06/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 23** Type of Violation: **Serious**

29 CFR 1910.217(c)(1)(i): The employer did not provide and ensure the usage of point-of-operation guards or properly applied point-of-operation devices on every operation performed on mechanical power press(es):

(a) On or about February 15, 2012, and at times prior, the employer did not ensure employees were protected from amputation hazards while working with the Manzoni stamping press because after the auto feed system was taken out, the guards were not fixed to protect the point-of-operation.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$7000.00

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



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 24** Type of Violation: **Serious**

29 CFR 1910.217(e)(1)(i): A program of periodic and regular inspections of mechanical power press(es) was not established and followed to ensure that all parts, auxiliary equipment and safeguards were in a safe operating condition and adjustment:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from hazards while operating the following power presses that had not received pre-shift inspections:

1. Round Tube Press Area, Federal 60-ton press.
2. Rumble area, Manzoni 200-ton press.
3. Proto-Type Department, L&J 45-ton press.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$4000.00

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

**Inspection Number:** 280914  
**Inspection Date(s):** 02/06/2012 - 02/17/2012  
**Issuance Date:** 08/06/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 25** Type of Violation: **Serious**

29 CFR 1910.217(f)(2): Operator(s) were not trained and instructed in the safe method of work before starting work on mechanical power press(es) and/or supervision to ensure that correct operating procedures were being followed on mechanical power press(es) was inadequate:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from hazards while operating punch presses in that employees from the AVB were sent to the Round Tube Press area and the Proto-Type Department to operate punch presses without adequate training and supervision.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$7000.00

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



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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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 26A      Type of Violation: **Serious**

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

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from injuries while working with and near the following areas where the horizontal shafts were not guarded:

1. Welding Cells (trunions) #1, #2, #3, #4, and #5.
2. Core Builder Machines #10 and #11.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012  
Proposed Penalty: \$7000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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Citation 1 Item 26B      Type of Violation: **Serious**

29 CFR 1910.219(c)(3): Vertical or inclined shafting seven (7) feet or less from the floor or working platform was not enclosed with stationary casing(s):

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from injuries while working with and near an electric pump motor in the Oiling Room where the vertical shaft did not have a guard.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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Citation 1 Item 26C      Type of Violation: **Serious**

29 CFR 1910.219(c)(4)(i): Unguarded projecting shaft end(s) did not present a smooth edge and end and projected more than one-half the diameter of the shaft:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from injuries while working with and near the following areas where the shaft ends were not guarded:

1. Welding Cells (trunions) #2, #4, and #5.
2. Core Builder Machines #1, #3, #10, and #11.
3. Oven #1.
4. Fin Mill #2.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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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 27A      Type of Violation: **Serious**

29 CFR 1910.219(d)(1): Pulley(s) with part(s) seven feet or less from the floor or work platform were not guarded in accordance with the requirements specified in 29 CFR 1910.219(m) and (o):

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from injuries while working with and near the following machines that had exposed pulleys:

1. 8 Robinson Machines had exposed pulleys.
2. Motors on top of the ovens where the pulleys were not adequately guarded.
3. AVB, damaged guard on the Stokes Vacuum on furnace #2.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012  
Proposed Penalty: \$7000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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Citation 1 Item 27B      Type of Violation: **Serious**

29 CFR 1910.219(e)(1)(i): Horizontal belts which had both runs 42 inches or less from the floor level were not fully enclosed by guards conforming to requirements specified in 29 CFR 1910.219(m) and (o):

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from injuries while working with and near the following machines that had exposed belts:

1. CAB, 8 Robinson Machines.
2. CAB, motors on the oven.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:

09/10/2012

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

Inspection Number: 280914  
Inspection Date(s): 02/06/2012 - 02/17/2012  
Issuance Date: 08/06/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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Citation 1 Item 27C      Type of Violation: **Serious**

29 CFR 1910.219(i)(2): Revolving surfaces of shaft coupling(s) were not covered by a safety sleeve:

(a) On or about February 14, 2012, and at times prior, the employer did not ensure employees were protected from hazards while working with the Straight Tube Cut Off saw that had an exposed rotating coupler.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012

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:** 280914  
**Inspection Date(s):** 02/06/2012 - 02/17/2012  
**Issuance Date:** 08/06/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 28** Type of Violation: **Serious**

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven (7) feet or less above floors or platforms were not enclosed:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from injuries while working with and near the #1 Oven where chains and sprockets were not adequately guarded at the middle and south ends of the oven.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$7000.00

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



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 29** Type of Violation: **Serious**

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i.:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from injuries while using air guns throughout the facility to clean machines where the air pressure was not reduced to less than 30 p.s.i.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:	08/20/2012
Proposed Penalty:	\$4000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 30** Type of Violation: **Serious**

29 CFR 1910.243(c)(3): Abrasive wheels used on vertical portable grinder(s) (right angle head grinders) were not provided with safety guard(s) having a maximum exposure angle of 180 degrees and located between the operator and wheel:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from injuries while using a DeWalt hand grinder without a wheel guard.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

08/13/2012  
\$4000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 31** Type of Violation: **Serious**

29 CFR 1910.253(b)(5)(ii)(J): Cylinders were placed where they might become part of an electric circuit:

(a) On or about February 16, 2012, and at times prior, the employer did not ensure employees were protected from fire and electrical hazards in that a flexible power cord that was plugged into a wall outlet was wrapped and hung from the regulator of a compressed gas cylinder, which was located in the northwest corner of the Proto-Type Department.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

08/13/2012  
\$4000.00

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

Inspection Number: 280914  
Inspection Date(s): 02/06/2012 - 02/17/2012  
Issuance Date: 08/06/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 32** Type of Violation: **Serious**

29 CFR 1910.253(e)(5)(v): Hose(s) showing leaks, burns, worn places, or other defects rendering it unfit for service were not repaired or replaced:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from injuries while using acetylene and oxygen hoses that were cracked, brittle, and worn (damaged) in the Brazing area and Proto-Type Department.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:	09/10/2012
Proposed Penalty:	\$7000.00

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



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 33** Type of Violation: **Serious**

29 CFR 1910.254(d)(9)(iii): Cables with damaged insulation or exposed bare conductors were not replaced:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from injuries while working with and near the following arc welders which had damaged welding leads:

1. #1 welding cell and line.
2. #2, 1st weld areas.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 08/13/2012  
Proposed Penalty: \$5000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 34** Type of Violation: **Serious**

29 CFR 1910.303(b)(1)(ii): Electrical equipment was not free from recognized hazards, based on the mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection thus provided:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from electrical injuries while working in the following locations where equipment had damaged and deteriorated flexible cords:

1. CAB, a Coil Lift Machine and a portable electrical fan.
2. AVB, Pre-Staging Lift, Serial #154962, Model XL 48-40.
3. Tooling Department, Grinder #1, Serial #B9489, Model #HB-06.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

08/13/2012  
\$4000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 35** Type of Violation: **Serious**

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from electrical injuries while working with and near metal junction boxes (receptacles) which were attached to pendent cords throughout the facility. These boxes are not designed or approved for such use.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

08/13/2012  
\$3000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 36** Type of Violation: **Serious**

29 CFR 1910.303(b)(7): Electrical equipment was not installed in a neat and workmanlike manner:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from electrical and machine guarding hazards in that the following operator controls were not installed in a secured and permanent manner:

1. AVB, Recor engraver.
2. AVB, Recor Leak Test Machine.
3. Press Department, Warco Press #190.
4. Press Department, Bliss 150-ton press, #52-150-48-36.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

08/23/2012  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 37** Type of Violation: **Serious**

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from electrical injuries in that electrical cabinets and main disconnect throughout the facility were not labeled.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

08/13/2012  
\$4000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 38** Type of Violation: **Serious**

29 CFR 1910.303(g)(1): Sufficient access and working space was not provided and maintained about all electric equipment (operating at 600 volts, nominal, or less to ground) to permit ready and safe operation and maintenance of such equipment:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from electrical hazards where the following electrical cabinets did not have sufficient access and working space around them:

1. North end of building, wooden pallets stored in front of the electrical panel.
2. West wall of Steel Weld, racks of parts stored in front of crane electrical switch.
3. West wall of warehouse, airplane stairs stored in front of electrical cabinet.
4. Waste Chemical Room, 50-gallon barrels stored in front of electrical cabinets.
5. MFG Operations Team Supplies closet, 2 panels were blocked by supplies.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

08/20/2012  
\$4000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

---

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 39A**      Type of Violation: **Serious**

29 CFR 1910.303(g)(2)(i): Except as elsewhere required or permitted by Subpart S of Part 1910, live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the means identified in paragraphs (A), (B), (C), and (D) of 29 CFR 1910.303(g)(2)(i):

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from electrical hazards in the following areas where live electrical parts were exposed to contact:

1. Round Tube Press Area, left side of the Federal 60-ton press, live conductors were sticking out of the Die Probe receptacle.
2. Bell 3/4-inch Straightener Machine, south side of the machine, an air solenoid had exposed live parts.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012  
Proposed Penalty: \$3000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 39B**      Type of Violation: **Serious**

29 CFR 1910.304(f)(1)(v): Fuses and circuit breakers for circuits rated 600 volts, nominal, or less were not located or shielded so that employees would not be burned or otherwise injured by their operation:

(a) On or about February 14, 2012, and at times prior, the employer did not ensure employees were protected from electrical arc flash hazards where the electrical distribution panel outside the Tube Fab electrical room, Panel 20, was missing the protective slide shields.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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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 40A**      Type of Violation: **Serious**

29 CFR 1910.305(a)(1)(i): Metal raceways, cable trays, cable armor, cable sheath, enclosures, frames, fittings, and other metal noncurrent-carrying parts that are to serve as grounding conductors, with or without the use of supplementary equipment grounding conductors, shall be effectively bonded where necessary to ensure electrical continuity and the capacity to conduct safely any fault current likely to be imposed on them:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from electrical hazards in that the flexible conduit in the following locations was not secured and had separated, exposing the conductors to contact and damage:

1. AVB, furnace two, south side of the Stokes pump.
2. AVB, furnace three, northwest side of the Stokes pump.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012  
Proposed Penalty: \$4000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 40B**      Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from electrical injuries while working with and near the following electrical boxes:

1. Robot Welder, knockout was missing on the metal receptacle.
2. Tube Mill, open hole in the control box exposing electrical wires.
3. Southwest corner of the AVB, 7/8" opening in panel CS 2319.
4. Turbulator Fab area, knockout missing on the electrical box located on the north side of Turbulator 048.
5. Aluminum Straight Tube Cut Off Machine, missing knockout on motor electrical box.
6. Maintenance Department, missing knockout on the Jet belt sander/grinder power switch box.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:

08/31/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 41** Type of Violation: **Serious**

29 CFR 1910.305(b)(2)(i): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from electrical hazards in that the following electrical boxes were not provided with secured covers or faceplates:

1. AVB, right side of main aisle, second column, an elbow pull fitting had a cover that was loose and was missing a screw.
2. AVB, damaged cover on an electrical box, located on the Stokes pump at oven 3.
3. Straight Tube Cut Off Machine, electrical box located next to operator's station could not be closed due to a bungee cord being connected to the inside lip of the box.
4. Tooling Department, outlet boxes were not provided covers where conductive aluminum shavings were accumulating on the electrical boxes and cord caps.
5. MFG Operations Team Supplies closet, south wall.
6. Tool Drawing closet, south wall.
7. Product Engineering Supplies closet, cover on breaker box was not secured and was missing three screws.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012  
Proposed Penalty: \$5000.00

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



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 42** Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from electrical hazards while working with and around flexible cords that were being used in place of fixed wiring in the following locations:

1. AVB, southwest corner, a red cord was providing power to cabinet lighting.
2. AVB, north side of oven 3, a yellow cord was wired between a switch/outlet and the overhead lights.
3. Rumble area, a black cord was providing 220 volts to the control panel for the Roussello 60-ton press.
4. Break room storage closet, an orange cord was supplying power to the air conditioner condensation pump located above the ceiling tiles.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012  
Proposed Penalty: \$5000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 43** 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 was provided that would prevent pull from being directly transmitted to joints or terminal screws:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure that employees were protected from electrical hazards while working with and near the following flexible cords that did not have adequate strain relief:

1. Suzzy's station, the plug cord to the water pump had no strain relief.
2. #3 Core Builder, electrical motors cords had no strain relief.
3. Oven, electrical extension cord had no strain relief.
4. Northwest lunch room, electrical extension cord connected to the icemaker had no strain relief.
5. Coil area, flexible cord plug-in had no strain relief.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 08/23/2012  
Proposed Penalty: \$4000.00

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

Inspection Number: 280914  
Inspection Date(s): 02/06/2012 - 02/17/2012  
Issuance Date: 08/06/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 1 Item 44** Type of Violation: **Serious**

29 CFR 1910.305(j)(1)(i): Fixtures, lampholders, lamps, rosettes, and receptacles located within 8 feet of the floor had live parts exposed to employee contact:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from electrical and laceration hazards while working in the overhead storage area in the southwest corner of the Proto-Type Department in that the florescent light fixture and bulbs were not guarded against contact.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$3000.00

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:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.22(d)(1): In every building or other structure, or part thereof, used for mercantile, business, industrial, or storage purposes, the loads approved by the building official were not marked on plates of approved design which were supplied and securely affixed by the owner of the building, or the duly authorized agent, in a conspicuous place in each space to which they related:

(a) On or about February 16, 2012, and at times prior, the employer did not ensure employees were protected from collapse hazards in that the overhead storage area located in the southwest corner of the Proto-Type Department was not posted with a floor load capacity.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

(a) On or about February 13, 2012, and at times prior, the employer did not ensure employees were protected from hazards in the Vibration Room in that the vibration pit had not been evaluated to determine if it was a permit-required confined space.

NOTE: Proper application of the decision flow chart in Appendix A to section 1910.146 would facilitate compliance with this requirement.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 09/10/2012  
Proposed Penalty: \$ .00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 2 Item 3** Type of Violation: **Other-than-Serious**

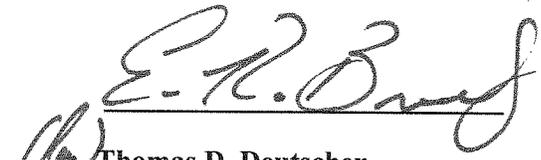
29 CFR 1910.159(c)(10): The employer did not ensure that there was a minimum 18 inches (45.7 m) vertical clearance between sprinklers and stored materials:

(a) On or about February 16, 2012, and at times prior, the employer did not ensure employees were protected from hazards in that material in the south Engineering Lab had been stored within inches of the sprinkler heads.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

09/10/2012  
\$1000.00

  
Thomas D. Deutscher  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
521 East Main Avenue, Suite 200  
Bismarck, ND 58501  
Phone: 701-250-4521 Fax: 701-250-4520



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013  
**Issuance Date:** 08/06/2012

<b>Summary of Penalties for Inspection Number</b>	<b>280914</b>
<b>Citation 1, Serious</b>	<b>\$219000.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$1000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$220000.00</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.

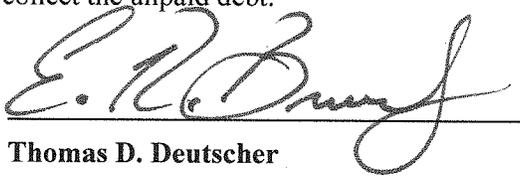
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.

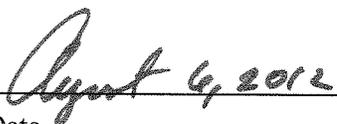
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

(s)   
Thomas D. Deutscher  
Area Director

  
Date

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
521 East Main Avenue, Suite 200  
Bismarck, ND 58501  
Phone: 701-250-4521 Fax: 701-250-4520



## Citation and Notification of Penalty

**To:**  
Adams Thermal Systems, Inc.  
47920 Fifth Street  
Canton, SD 57013

**Inspection Number:** 242660  
**Inspection Date(s):** 02/21/2012 - 02/23/2012  
**Issuance Date:** 08/06/2012

**Inspection Site:**  
47920 Fifth Street  
Canton, SD 57013

*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, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

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

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/06/2012. The conference will be held at the OSHA office located at 521 East Main Avenue, Suite 200, Bismarck, ND 58501 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 242660**

Company Name: Adams Thermal Systems, Inc.  
Inspection Site: 47920 Fifth Street, Canton, SD 57013  
Issuance Date: 08/06/2012

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, 521 East Main Avenue, Suite 200, Bismarck, ND 58501**

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:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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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 1A** Type of Violation: **Serious**

29 CFR 1910.132(d)(1)(i): The employer did not select and have each affected employee use, the types of personal protective equipment that would protect the affected employee(s) from the hazards identified in the hazard assessment:

- (a) On or about February 22, 2012, and at times prior, in the powder coat spray booth, also known as the SureCoat line by Nordson, at Adams Thermal Systems, Inc. in Canton, South Dakota, an employee was working with bare hands to operate a hood sprayer to apply powdered coating to thermal systems as they pass through the spray booth.
- (b) On or about February 22, 2012, and at times prior, in the powder coat spray booth, also known as the SureCoat line by Nordson, at Adams Thermal Systems, Inc. in Canton, South Dakota, an employee was working with a hood sprayer to apply powdered coating to thermal systems as they pass through the spray booth without appropriate eye protection as the eye protection selected still allowed the black powder coat to get around the eyes.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated: 08/23/2012  
Proposed Penalty: \$5000.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.132(d)(1)(iii): The employer did not select PPE that properly fit each affected employee:

(a) On or about February 22, 2012, and at times prior, in the powder coat booth, also known as the SureCoat line by Nordson, at Adams Thermal Systems, Inc. in Canton, South Dakota, an employee was working with a hood sprayer to apply powdered coating to thermal systems as they pass through the spray booth with a Tyvek suit that was too small for the employee, exposing skin to the black powder coat.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:

08/23/2012

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

Inspection Number: 242660  
Inspection Date(s): 02/21/2012 - 02/23/2012  
Issuance Date: 08/06/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1904.40(a): The employer did not provide an authorized government representative the records within the four business hours:

(a) On or about June 4, 2012, and at times after, the employer failed to provide copies of the injury and illness records to an authorized representative for years 2009, 2010 and 2011.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

08/09/2012  
\$.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: 242660  
Inspection Date(s): 02/21/2012 - 02/23/2012  
Issuance Date: 08/06/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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

29 CFR 1910.95(d)(1): When information indicated that any employee's exposure equaled or exceed the 8-hour time-weighted average of 85 decibels, the employer did not develop and implement a monitoring program:

(a) On or about February 21, 2012, and at times prior, Adams Thermal Systems, Inc. had not developed or implemented a monitoring program with a sampling strategy designed to evaluate the efficacy of the hearing conservation program or hearing protection.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:  
Proposed Penalty:

08/23/2012  
\$.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:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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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 2 Item 3A** Type of Violation: **Other-than-Serious**

29 CFR 1910.134(h)(1)(i): Respirators issued for the exclusive use of an employee were not cleaned and disinfected as often as necessary to be maintained in a sanitary condition:

(a) On or about February 22, 2012, and at times prior, employees working in the powder coat spray booth at Adams Thermal Systems, Inc. in Canton, South Dakota were required to wear tight-fitting half-face air-purifying respirators that were not maintained in a sanitary condition as employees began their shift.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:	08/23/2012
Proposed Penalty:	\$0.00



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

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**Citation 2 Item 3B** Type of Violation: **Other-than-Serious**

29 CFR 1910.1000(a)(2): Employee(s) were exposed to an airborne concentration of Total Dust, Particulate Not Otherwise Regulated (PNOR), listed in Table Z-1 in excess of the 8-hour Time-Weighted Average concentration of 15 mg/m<sup>3</sup>:

(a) On or about February 22, 2012, and at times prior, an employee working in the powder coat spray booth at Adams Thermal Systems, Inc. located at 47920 Fifth Street, in Canton, South Dakota, was exposed to Total Dust, PNOR at levels found by OSHA to be in excess of the OSHA PEL at a Time-Weighted Average (TWA) of up to approximately 59.9 mg/m<sup>3</sup>, at approximately four times the PEL.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:

08/23/2012



**Citation and Notification of Penalty**

**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013

**Citation 2 Item 3C** Type of Violation: **Other-than-Serious**

29 CFR 1910.1000(e): Feasible administrative or engineering controls were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

(a) On or about February 22, 2012, and at times prior, an employee working in the powder coat spray booth at Adams Thermal Systems, Inc. located at 47920 Fifth Street, in Canton, South Dakota, was exposed to Total Dust, PNOR at levels found by OSHA to be in excess of the OSHA PEL at a Time-Weighted Average (TWA) of up to approximately 59.9 mg/m<sup>3</sup>, at approximately four times the PEL.

Potentially feasible methods of abatement may include, among others:

1. Conducting a complete evaluation of ventilation system(s), and/or;
2. Prohibiting the partial entry of employees into the spray booth while spraying.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date by which Violation must be Abated:

08/23/2012

(for)   
**Thomas D. Deutscher**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
521 East Main Avenue, Suite 200  
Bismarck, ND 58501  
Phone: 701-250-4521 Fax: 701-250-4520



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Adams Thermal Systems, Inc.  
**Inspection Site:** 47920 Fifth Street, Canton, SD 57013  
**Issuance Date:** 08/06/2012

<b>Summary of Penalties for Inspection Number</b>	<b>242660</b>
<b>Citation 1, Serious</b>	<b>\$5000.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$5000.00</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.

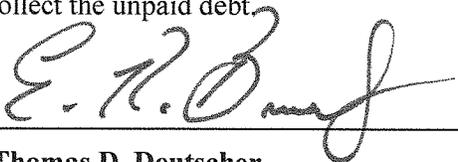
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.

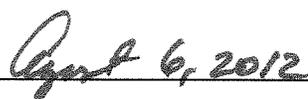
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

(over)   
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**Thomas D. Deutscher**  
Area Director

  
\_\_\_\_\_  
Date