

## U.S. Department of Labor

Occupational Safety and Health Administration  
444 Regency Parkway Dr.  
Lake Regency Office Bldg, Ste. 303  
Omaha, NE 68114  
Phone: (402)553-0171 FAX: (402)551-1288



### Notification of Failure to Abate Alleged Violations

**To:**

America's Fiberglass Animals and Patrick Keough  
and its successors  
53110 85th Road  
Shelton, NE 68876

**Inspection Site:**

142 Cornhusker Avenue  
Hastings, NE 68876

**Original Inspection Number:** 314054560

**Original Inspection Date:** 04/08/2010-04/16/2010

**Inspection Number:** 314059882

**Inspection Date(s):** 04/20/2011-

**Issuance Date:** 10/14/2011

*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.*

After the original inspection, a Citation(s) was issued to you in accordance with the provisions of the Occupational Safety and Health Act of 1970 (the Act), notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon reinspection, it is alleged that you have failed to abate the violation(s) listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty is computed by multiplying a daily penalty times the number of days the violation(s) remained unabated. You are to notify the Area Director in writing of the date and nature of the corrective action taken. If you do not abate the violation(s), further penalties may be proposed and other enforcement action to compel abatement may be taken under section 11(b) of the Act.

You are further notified that you must pay the ADDITIONAL PENALTY unless you inform the Area Director in writing that you intend to contest the Notification or the Additional Penalty within 15 working days (excluding weekends and Federal holidays) from your receipt of this notification. If you do not contest within 15 working days after receipt, the Notification and the additional penalties will become the final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court of agency. Issuance of this Notification 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, if contested, unless the Notification is affirmed by the Review Commission.

Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

**Notification of Corrective Action** - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

**Inspection Activity Data** - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [WWW.OSHA.GOV](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.

THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 affords workers the right to a safe workplace. OSHA requires employers to provide a workplace that is free of serious recognized hazards and in compliance with OSHA standards. Workers have the right to FILE A COMPLAINT WITH OSHA if they believe that there are either violations of OSHA standards or serious workplace hazards. Contact the OSHA Area office nearest you or contact our toll free number: 1-800-321-OSHA (6742)... TTY 1-877-889-5627. To file a complaint online or obtain information on your rights in the workplace, visit OSHA's website at [www.osha.gov](http://www.osha.gov).



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the Notification of Failure to Abate Alleged Violations issued on 10/14/2011 . The conference will be held at the OSHA office located at 444 Regency Parkway Dr., Lake Regency Office Bldg, Ste. 303, Omaha, NE, 68114 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

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



**Notification of Failure to Abate Alleged Violation**

**Original Inspection:** 314054560                      **Inspection:** 314059882  
**Original Inspection Dates:** 04/08/2010 - 04/16/2010    **Inspection Dates:** 04/20/2011 -  
**Issuance Date:** 10/14/2011

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 142 Cornhusker Avenue, Hastings, NE 68876

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Citation 1 Item 7

29 CFR 1910.134(e)(1): The employer failed to provide a medical evaluation to determine the employee's ability to wear a respirator.

America's Fiberglass Animals: The employer violated and continues to violate this standard by failing to provide medical evaluations to employees prior to required respirator use. Medical evaluations are required to ensure the employees are capable of wearing a respirator. This was most recently observed on April 20, 2011 at the worksite located at 1290 35 Rd in Minden, NE. Employees wearing respirators as required due to the presence of airborne hazards such as respirable dust (PNOR), styrene, acetone, methyl ethyl ketone peroxide, gel coat, and resin vapors had not undergone medical evaluations to determine their ability to wear a respirator safely.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance, including providing copies of all medical questionnaires and/or medical examination results reviewed and performed by a physician or licensed health care professional (PLHCP) to evaluate each employee's ability to wear a respirator. (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days.)

**Additional Penalty:** \$ 31500.00

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



**Notification of Failure to Abate Alleged Violation**

**Original Inspection:** 314054560

**Original Inspection Dates:** 04/08/2010 - 04/16/2010

**Inspection:** 314059882

**Inspection Dates:** 04/20/2011 -

**Issuance Date:** 10/14/2011

**Company Name:** America's Fiberglass Animals and Patrick Keough

**Inspection Site:** 142 Cornhusker Avenue, Hastings, NE 68876

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**Citation 1 Item 8**

29 CFR 1910.134(f)(2): The employer failed to ensure that an employee using a tight-fitting respirator was fit tested prior to initial use and annually thereafter.

America's Fiberglass Animals: The employer violates and continues to violate this standard which requires that employees using tight fitting half mask 3M respirators are fit tested prior to using the respirators. This was observed most recently on April 20, 2011 at the facility located at 1290 35 Rd in Minden, Nebraska. Employees wear tight fitting 3M half mask respirators in a work environment where respiratory hazards such as respirable dust (PNOR), styrene, acetone, methyl ethyl ketone peroxide, gel coat, and resin vapors are present without the benefit of a fit test to ensure the respirator's effectiveness.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance, including providing copies of fit test records. Fit test records should include the employee's name, respirator facepiece details (size, style, model or make), date of test, method of test conducted, and pass/fail status of test. (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days.)

**Additional Penalty:** \$ 31500.00

*Bonita Winingham*

Bonita Winingham  
Area Director

**U.S. Department of Labor**

Occupational Safety and Health Administration  
444 Regency Parkway Dr.  
Lake Regency Office Bldg, Ste. 303  
Omaha, NE 68114  
Phone: (402)553-0171 FAX: (402)551-1288



**INVOICE/  
DEBT COLLECTION NOTICE**

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**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 142 Cornhusker Avenue, Hastings, NE 68876  
**Issuance Date:** 10/14/2011  
**Opt. Insp. Nr:** 063

**Summary of Penalties for Inspection Number** 314054560  
**Followup Inspection Number** 314059882

**TOTAL ADDITIONAL PROPOSED PENALTIES = \$63000.00**

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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 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.

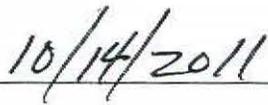
**Interest.** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 5%. Interest 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.

  
Bonita Winingham  
Area Director

  
Date

THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 affords workers the right to a safe workplace. OSHA requires employers to provide a workplace that is free of serious recognized hazards and in compliance with OSHA standards. Workers have the right to FILE A COMPLAINT WITH OSHA if they believe that there are either violations of OSHA standards or serious workplace hazards. Contact the OSHA Area office nearest you or contact our toll free number: 1-800-321-OSHA (6742)... TTY 1-877-889-5627. To file a complaint online or obtain information on your rights in the workplace, visit OSHA's website at [www.osha.gov](http://www.osha.gov).

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
444 Regency Parkway Dr.  
Lake Regency Office Bldg, Ste. 303  
Omaha, NE 68114  
Phone: (402)553-0171 FAX: (402)551-1288



## Citation and Notification of Penalty

**To:**  
America's Fiberglass Animals and Patrick Keough  
and its successors  
53110 85 Rd  
Shelton, NE 68876

**Inspection Number:** 314059882  
**Inspection Date(s):** 04/20/2011-  
**Issuance Date:** 10/14/2011

**Inspection Site:**  
1290 35 Rd  
Minden, NE 68959

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or , if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal

conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

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

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

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

**Inspection Activity Data** - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 7 calendar days after the Citation Issuance Date. 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.

THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 affords workers the right to a safe workplace. OSHA requires employers to provide a workplace that is free of serious recognized hazards and in compliance with OSHA standards. Workers have the right to FILE A COMPLAINT WITH OSHA if they believe that there are either violations of OSHA standards or serious workplace hazards. Contact the OSHA Area office nearest you or contact our toll free number: 1-800-321-OSHA (6742)... TTY 1-877-889-5627. To file a complaint online or obtain information on your rights in the workplace, visit OSHA's website at [www.osha.gov](http://www.osha.gov).

**ABATEMENT CERTIFICATION**

Bonita Winingham, Area Director  
U.S. Department of Labor - OSHA  
444 Regency Parkway Dr.  
Lake Regency Office Bldg, Ste. 303  
Omaha, NE 68114  
Phone: (402)553-0171

America's Fiberglass Animals and Patrick Keough  
53110 85 Rd  
Shelton, NE 68876

The hazard referenced in Inspection Number 314059882 for violation identified as:

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.

Method of correction: \_\_\_\_\_

\_\_\_\_\_  
\*Abatement documentation is enclosed.  check if applicable

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.

Method of correction: \_\_\_\_\_

\_\_\_\_\_  
\*Abatement documentation is enclosed.  check if applicable

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.

Method of correction: \_\_\_\_\_

\_\_\_\_\_  
\*Abatement documentation is enclosed.  check if applicable

I attest that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement activities described in this certification.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(email address)

\_\_\_\_\_  
Typed or Printed Name



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/14/2011. The conference will be held at the OSHA office located at 444 Regency Parkway Dr., Lake Regency Office Bldg, Ste. 303, Omaha, NE, 68114 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



**Citation and Notification of Penalty**

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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

29 CFR 1910.106(e)(2)(ii)[b]: The quantity of liquid that may be located outside of an inside storage room or storage cabinet in a building or in any one fire area of a building exceeded the limits delineated in this section.

America's Fiberglass Animals: The employer fails to store flammable liquids in an inside storage room. Instances include, but are not limited to, storage of twelve 55 gallon drums of Class IC flammable liquids (resin and gel coat) and one 55 gallon drum of Class 1A flammable liquid (acetone) along the west wall of the production area. The storage area along the west wall is not separated from the production area by a physical barrier.

To abate this violation, the employer must ensure that containers filled with flammable liquids exceeding 25 gallons of Class IA liquids or 120 gallons of Class IB, IC, II or III liquids or 660 gallons of Class IB, IC, II or III liquids are stored in a safe manner such as an inside storage room meeting the requirement of this section. Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance. Such documentation should include an inventory of quantities of liquids, materials safety data sheets (MSDSs) of the liquids in storage, and photographs of storage areas of all flammable liquids.

Date By Which Violation Must be Abated:	11/16/2011
Proposed Penalty:	\$ 4620.00



**Citation and Notification of Penalty**

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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

29 CFR 1910.107(g)(2): Spraying area(s) were not kept free from the accumulation of deposits of combustible residues:

America's Fiberglass Animals-Spraying Area: The employer does not keep all spraying areas as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary.

To abate this violation, the employer must ensure that the spray area does not accumulate flammable and combustible residues. Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance such as documentation describing housekeeping methods and schedules to prevent accumulation.

Date By Which Violation Must be Abated:	11/16/2011
Proposed Penalty:	\$ 4620.00

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

29 CFR 1910.107(m)(1): Spraying operations involving the use of organic peroxides and other dual component coatings were not conducted in approved sprinklered spray booths meeting the requirements of this section:

America's Fiberglass Animals-Spraying Area: Spraying operations involving the use of an organic peroxide, methyl ethyl ketone peroxide (MEKP), and styrene-based gel coat and resin, are not conducted in an approved sprinklered spray booth as required by this standard.

To abate this violation, the employer must ensure that spraying operations involving the use of an organic peroxide such as MEKP are conducted in an approved, sprinklered spray booth. Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance such as documentation describing cessation of spraying activity involving organic peroxides or documentation describing the acquisition and installment of an approved booth for spraying activities.

Date By Which Violation Must be Abated:	11/16/2011
Proposed Penalty:	\$ 4620.00



### Citation and Notification of Penalty

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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

29 CFR 1910.107(m)(2): Tools used in any area where organic peroxides were stored, mixed or applied were not limited to nonsparking tools.

America's Fiberglass Animals-Spraying Area: The employer does not provide and use only nonsparking tools in all areas where organic peroxides are stored, mixed or applied.

To abate this violation, the employer must ensure that all tools used in areas where organic peroxides are stored, mixed, or applied are nonsparking tools. Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance and providing documentation that tools in use where peroxides are stored, mixed, and or applied are nonsparking.

<b>Date By Which Violation Must be Abated:</b>	11/16/2011
<b>Proposed Penalty:</b>	\$ 4620.00

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

29 CFR 1910.141(g)(2): Employees were permitted to consume food or beverage in area(s) exposed to toxic materials:

America's Fiberglass Animals-Break Area: Employees are permitted to consume food and beverage in an area exposed to toxic materials such as acetone, methyl ethyl ketone peroxide, styrene-based resins and gel coats.

To abate this violation, the employer must ensure that employee break areas are not exposed to the production process. Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance. Such documentation may include policies or physical changes to the facility to create a partition.

<b>Date By Which Violation Must be Abated:</b>	11/16/2011
<b>Proposed Penalty:</b>	\$ 4620.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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

29 CFR 1910.157(g)(2): The educational program to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting was not provided to all employees upon initial employment, and at least annually thereafter:

America's Fiberglass Animals: The employer does not train employees with regard to fire extinguisher use and those hazards associated with incipient stage fire fighting.

To abate this violation, the employer must ensure that employees are trained with regard to how to use a fire extinguisher, when to use a fire extinguisher and when to evacuate, and the hazards associated with an incipient stage fire. Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance. Such documentation should include a sign off sheet of employees who attended the training, and a synopsis of the training provided.

<b>Date By Which Violation Must be Abated:</b>	<b>11/16/2011</b>
<b>Proposed Penalty:</b>	<b>\$ 4620.00</b>



**Citation and Notification of Penalty**

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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

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

29 CFR 1910.1200(h)(3)(i): The employee training did not include the methods and observations used to detect the presence or release of a hazardous chemical in the work area:

America's Fiberglass Animals: The employer fails to ensure employees receive training to detect the presence of hazardous chemicals in the work area. Instances include, but are not limited to, hazard communication training with regard to the presence and physical state of hazardous chemicals such as combustible dust, respirable dust (PNOR), styrene, acetone, methyl ethyl ketone peroxide, gel coat, and resins.

To abate this violation, the employer must ensure that employees exposed to hazardous chemicals area trained in accordance with the terms of the standard. Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a sign off sheet of employees who attended the training, and a synopsis of the training provided.

<b>Date By Which Violation Must be Abated:</b>	<b>11/16/2011</b>
<b>Proposed Penalty:</b>	<b>\$ 4620.00</b>



**Citation and Notification of Penalty**

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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

29 CFR 1910.1200(h)(3)(iii): Employee training did not include the measures employees can take to protect themselves from chemical hazards, including specific procedures required to protect employees from exposure to hazardous chemicals:

America's Fiberglass Animals: The employer fails to ensure employees receive training with regard to the appropriate methods of exposure prevention. Instances include, but are not limited to, specific procedures employees may follow to prevent fires, explosions and respiratory and dermal exposure to hazardous chemicals such as respirable dust, resin, gel coat, acetone, methyl ethyl ketone peroxide, and combustible dust.

To abate this violation, the employer must ensure that employees exposed to hazardous chemicals are trained in accordance with the terms of the standard. Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a sign off sheet of employees who attended the training, and a synopsis of the training provided.

**Date By Which Violation Must be Abated:** 11/16/2011



### Citation and Notification of Penalty

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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#### Citation 2 Item 1 Type of Violation: **Repeat**

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

America's Fiberglass Animals-Throughout the facility: The employer has violated and continues to violate this standard by not maintaining the facility in a clean, orderly and sanitary condition. The most recent example of this violation was observed on April 20, 2011 at the facility located at 1290 Rd 35, Minden, NE. At that time, combustible dust had accumulated in the sanding and finishing areas, flammable resin had accumulated in the spraying area, and empty drums were observed throughout the facility, exposing employees to potential fire and explosion hazards.

America's Fiberglass Animals was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.22(a) which was contained in OSHA inspection number 314054560, Citation #1, Item #1, and became a final order on August 9, 2010.

Pursuant to 29 CFR 1903.19, the employer must submit an abatement plan describing the actions he is taking to ensure that all production and storage areas are maintained in a clean and safe manner. The plan should address how and with what frequency dust and resin/fiberglass overspray will be controlled and removed to prevent accumulation. The plan should also address how and with what frequency empty drums will be stored and removed from the facility. (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days.)

Date By Which Violation Must be Abated:	11/16/2011
Proposed Penalty:	\$ 9240.00



### Citation and Notification of Penalty

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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#### Citation 2 Item 2 Type of Violation: **Repeat**

29 CFR 1910.107(c)(1): All electrical equipment, open flames and other sources of ignition did not conform to the requirements of this paragraph.

America's Fiberglass Animals-Spray area and adjacent areas: The employer has violated and continues to violate this standard which requires that ignition sources are not present in the spraying area. This most recent example of this violation was observed on April 20, 2011 at the facility located at 1290 Rd 35, Minden, NE. At that time, the spray area was not separated from ignition sources by distance or partition, hot surfaces such as open flame heaters were present in and near the spraying area and where flammable and combustible residues had accumulated exposing employees to fire and explosion hazards. Also, unapproved electrical wiring and equipment were observed in the spraying area where flammable combustible materials accumulate.

America's Fiberglass Animals was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.107(c) which was contained in OSHA inspection number 314054560, Citation #1, Item #3, and became a final order on August 9, 2010.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance including a description of how these steps protect employees from fire and explosion hazards. (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days.)

Date By Which Violation Must be Abated:	11/16/2011
Proposed Penalty:	\$ 9240.00



### Citation and Notification of Penalty

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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#### Citation 2 Item 3 Type of Violation: **Repeat**

29 CFR 1910.107(d)(2): All spraying areas were not provided with mechanical ventilation adequate to remove flammable vapors, mists, or powders to a safe location and to confine and control combustible residues so that life is not endangered.

America's Fiberglass Animals-Spray area: The employer violates and continues to violate this standard which requires that adequate mechanical ventilation is provided to remove flammable vapors and to confine and control combustible residues. The most recent example of this violation was observed on April 20, 2011 at the facility located at 1290 Rd 35, Minden, NE. At that time, combustible residues had accumulated in the spraying area and mechanical ventilation was not present in the facility, during spraying operations, or thereafter, thus exposing employees to fire and explosion hazards.

America's Fiberglass Animals was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.107(d)(2) which was contained in OSHA inspection number 314054560, Citation #1, Item #4, and became a final order on August 9, 2010.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance including a description of how these steps protect employees from hazardous and flammable vapors and mists. (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days.)

Date By Which Violation Must be Abated:	11/16/2011
Proposed Penalty:	\$ 9240.00



### Citation and Notification of Penalty

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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#### Citation 2 Item 4 Type of Violation: **Repeat**

29 CFR 1910.107(e)(2): The quantity of flammable or combustible liquids kept in the vicinity of spraying operations were not the minimum required for operations and ordinarily exceeded a supply for one day or one shift. Bulk storage of portable containers of flammable or combustible liquids were not in a separate constructed building detached from other important buildings or cut off in a standard manner.

America's Fiberglass Animals-West wall: The employer has violated and continues to violate this standard which requires that the storage of flammable liquids in and near the spraying area be limited to that amount required for one day or one shift. The employer also continues to fail to provide a bulk storage area for portable containers of flammable or combustible liquids. The most recent example of this violation was observed on April 20, 2011 at the facility located at 1290 Rd 35, Minden, NE. At that time, approximately twelve 55 gallon drums of resin were being stored on the west wall and in the vicinity of the spraying area; the company uses one third of a drum daily. Portable containers of flammable liquids that were not in use were not stored in a safe, separate flammable storage area. Both conditions contribute to employee exposure to fire and explosion hazards.

America's Fiberglass Animals was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.107(e)(2) which was contained in OSHA inspection number 314054560, Citation #1, Item #5, and became a final order on August 9, 2010.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance including a description of how these steps protect employees from fire and explosion hazards associated with improper storage of flammable and combustible materials. (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days.)

Date By Which Violation Must be Abated:	11/16/2011
Proposed Penalty:	\$ 9240.00



### Citation and Notification of Penalty

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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

#### Citation 2 Item 5a Type of Violation: **Repeat**

29 CFR 1910.134(c)(1): The employer failed to establish and implement a written respiratory protection program with worksite-specific procedures.

America's Fiberglass Animals: The employer does not have a written respiratory protection program for employees as required by this standard. This was observed most recently on April 20, 2011, when employees were observed working at 1290 35 Road in Minden, NE. Employees wear half mask respirators as required but without the benefit of proper training and worksite-specific procedures. Employees are exposed to respiratory hazards such as respirable dust (PNOR), styrene, acetone, methyl ethyl ketone peroxide, gel coat, and resin vapors under normal operating conditions.

America's Fiberglass Animals was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.134(c)(1) which was contained in OSHA inspection number 314054560, Citation #1, Item #6(a), and became a final order on August 9, 2010.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance, including providing a copy of a respiratory protection program which includes worksite-specific procedures, provisions for providing effective training with regard to respirator use and those conditions when respirator use is required, and procedures for respirator storage and maintenance. (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days.)

Date By Which Violation Must be Abated:	11/16/2011
Proposed Penalty:	\$ 9240.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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**Citation 2 Item 5b** Type of Violation: **Repeat**

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazards in the workplace, including a reasonable estimate of employee exposures to respiratory hazards and an identification of the contaminants' chemical state and physical form.

America's Fiberglass Animals: The employer violated and continues to violate this standard by failing to identify and evaluate respiratory hazards and employee exposure to such hazards. This was most recently observed on April 20, 2011 at the facility located at 1290 35 Rd in Minden, NE. Employees wear respirators as required in a work environment where respiratory hazards such as respirable dust (PNOR), styrene, acetone, methyl ethyl ketone peroxide, gel coat and resin vapors are present but without benefit of an exposure determination to ensure proper and effective respirator use.

America's Fiberglass Animals was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.134(d)(1)(iii), which was contained in OSHA inspection number 314054560, Citation #1, Item #6(b), and became a final order on August 9, 2010.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance, including providing documentation of the procedures used to make a hazard assessment, method of the exposure assessment, and method of respirator selection to reduce exposure. (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days.)

**Date By Which Violation Must be Abated:** **11/16/2011**



### Citation and Notification of Penalty

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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

#### Citation 2 Item 6a Type of Violation: **Repeat**

29 CFR 1910.134(g): The employer failed to establish and implement procedures for the proper use of respirators.

America's Fiberglass Animals: The employer violated and continues to violate this standard by failing to establish and implement procedures for proper respirator use. Such procedures should include provisions such as prohibiting conditions that may result in facepiece leakage and effectiveness. This was most recently observed on April 20, 2011 at the facility located at 1290 35 Rd in Minden, NE. Employees wear respirators as required in a work environment where respiratory hazards such as respirable dust (PNOR), styrene, acetone, methyl ethyl ketone peroxide, gel coat, and resin vapors are present but without benefit of procedures to ensure proper and effective respirator use.

America's Fiberglass Animals was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.134(g) which was contained in OSHA inspection number 314054560, Citation #1, Item #9(a), and became a final order on August 9, 2010.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance, including providing documentation of the procedures describing proper respirator use, method of communication of the procedures to the employees, and a training log of those employees trained with regard to the procedures. (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days.)

Date By Which Violation Must be Abated:	11/16/2011
Proposed Penalty:	\$ 9240.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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**Citation 2 Item 6b** Type of Violation: **Repeat**

29 CFR 1910.134(k): The employer failed to provide effective, comprehensive training to employees who are required to use respirators.

America's Fiberglass Animals: The employer violated and continues to violate this standard by not effectively training employees who are required to use respirators. This was observed most recently on April 20, 2011, at the facility located at 1290 35 Rd in Minden, Nebraska. Employees are required to wear tight fitting 3M half mask respirators in a work environment where respiratory hazards such as respirable dust (PNOR), styrene, acetone, methyl ethyl ketone peroxide, gel coat, and resin vapors are present. The employees are not effectively trained and consequently exposed to airborne hazards and respiratory distress.

Effective and comprehensive respirator training required by this standard should inform employees, at minimum, of the following:

- Why a respirator is necessary and how improper fit, usage or maintenance can compromise the protective effect of the respirator;
- What the limitations and capabilities of the respirator are;
- How to use the respirator effectively in emergency situations, including situations in which the respirator malfunctions;
- How to inspect, put on and remove, use and check the seals of the respirator;
- What the procedures are for maintenance and storage of the respirator;
- How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators.

America's Fiberglass Animals was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.134(k) which was contained in OSHA inspection number 314054560, Citation #1, Item #9(b), and became a final order on August 9, 2010.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance, including the information provided to employees in the training, the language and method in which training is communicated, the date of the training, who provided the training, and a log of those employees in attendance of the training. (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days.)

**Date By Which Violation Must be Abated:** 11/16/2011

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



### Citation and Notification of Penalty

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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#### Citation 2 Item 7 Type of Violation: **Repeat**

29 CFR 1910.307(c): Equipment, wiring methods, and installations or equipment in hazardous (classified) locations shall be intrinsically safe, approved for the hazardous (classified) location, or safe for the hazardous (classified) location.

America's Fiberglass Animals: The employer violated and continues to violate this standard by failing to ensure all electrical equipment and installations are intrinsically safe for use in a hazardous (classified) location. This was most recently observed on April 20, 2011 at the facility located at 1290 35 Rd in Minden, Nebraska. At that time, unrated electrical systems and unrated electrical equipment were in use throughout the entire production area exposing employees to fire and explosion hazards. The production area meets the criteria for classification as a Class II, Division I area due to the presence and suspension of Class II, Division I dust and flammable vapors under normal operating conditions.

America's Fiberglass Animals was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.307(c) which was contained in OSHA inspection number 314054560, Citation #1, Item #10, and became a final order on August 9, 2010.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure that all equipment, wiring and installations are safe for use in a classified location and that all unrated equipment is removed from the facility. The employer may also take steps to declassify the facility by controlling and removing flammable and combustible materials. (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days.)

Date By Which Violation Must be Abated:	11/16/2011
Proposed Penalty:	\$ 9240.00



## Citation and Notification of Penalty

**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959

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### Citation 2 Item 8 Type of Violation: **Repeat**

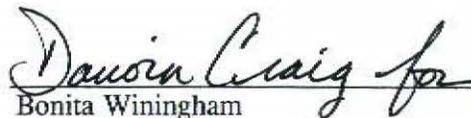
29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

America's Fiberglass Animals: The employer does not have a written hazard communication program as required by this standard. A comprehensive program includes labeling requirements, provisions for maintenance of material safety data sheets, and training requirements for hazards associated with hazardous materials such as gel coats, resins, catalysts, dust and cleaning compounds. This was most recently observed on April 20, 2010 at the facility located at 1290 35 Rd in Minden, NE. Employees work with hazardous materials without benefit of a hazard communication program.

America's Fiberglass Animals was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.1200(e)(1) which was contained in OSHA inspection number 314054560, Citation #1, Item #12(a), and became a final order on August 9, 2010.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps he is taking to ensure compliance, including a copy of a hazard communication program that addresses site-specific aspects of labeling requirements, material safety data sheets, and training requirements.

Date By Which Violation Must be Abated:	11/16/2011
Proposed Penalty:	\$ 9240.00

  
Bonita Winingham

Area Director

## U.S. Department of Labor

Occupational Safety and Health Administration  
444 Regency Parkway Dr.  
Lake Regency Office Bldg, Ste. 303  
Omaha, NE 68114  
Phone: (402)553-0171 FAX: (402)551-1288



### INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** America's Fiberglass Animals and Patrick Keough  
**Inspection Site:** 1290 35 Rd, Minden, NE 68959  
**Issuance Date:** 10/14/2011

**Summary of Penalties for Inspection Number 314059882**

<b>Citation 1, Serious</b>	= \$	<b>32340.00</b>
<b>Citation 2, Repeat</b>	= \$	<b>73920.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>106260.00</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 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 5%. 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

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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.

  
Bonita Winingham  
Area Director

Date 10/14/2011

THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 affords workers the right to a safe workplace. OSHA requires employers to provide a workplace that is free of serious recognized hazards and in compliance with OSHA standards. Workers have the right to FILE A COMPLAINT WITH OSHA if they believe that there are either violations of OSHA standards or serious workplace hazards. Contact the OSHA Area office nearest you or contact our toll free number: 1-800-321-OSHA (6742)... TTY 1-877-889-5627. To file a complaint online or obtain information on your rights in the workplace, visit OSHA's website at [www.osha.gov](http://www.osha.gov).

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