Citation and Notification of Penalty

To:
B.W. Grinding Co., dba B.W. Supply
and its successors
P.O. Box 307
Lyons, OH 43533

Inspection Number: 444493
Inspection Date(s): 05/24/2012 - 05/24/2012
Issuance Date: 11/06/2012

Inspection Site:
P.O. Box 307
Lyons, OH 43533

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. 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 11/06/2012. The conference will be held at the OSHA office located at 420 Madison Ave, Suite 600, Toledo, OH 43604 on _____________ at ______________. Employees and/or representatives of employees have a right to attend an informal conference.
CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: B.W. Grinding Co., dba B.W. Supply
Inspection Site: P.O. Box 307, Lyons, OH 43533
Issuance Date: 11/06/2012

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

Citation Number _____ and Item Number _____ was corrected on ____________________________ 
By (Method of Abatement): ___________________________________________________________________ 
__________________________________________________________________________________________

Citation Number _____ and Item Number _____ was corrected on ____________________________
By (Method of Abatement): ___________________________________________________________________
__________________________________________________________________________________________

Citation Number _____ and Item Number _____ was corrected on ____________________________
By (Method of Abatement): ___________________________________________________________________
__________________________________________________________________________________________

Citation Number _____ and Item Number _____ was corrected on ____________________________
By (Method of Abatement): ___________________________________________________________________
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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 1 Item 1  Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1): Section 5(a)(1) of the Occupational Safety and Health Act of 1970: 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 the employees are exposed to crushing hazards from falling loads.

a) On or about May 24, 2012, an employee was exposed to struck by, crushing hazards from a falling load while using an under the hook lifting device to lift molds on the loop line due to unknown rated load capacity of the lifting devices.

b) On or about May 24, 2012, an employee was exposed to struck by, crushing hazards from a falling load while using an under the hook lifting device to lift larger metal casting in the swing saw and grinding area due to unknown rated load capacity of the lifting device.

Among other methods, a feasible and acceptable abatement method to correct this hazard is to follow the guidelines in American Society of Mechanical Engineers (ASME) B30.20-2010, Below the hook lifting devices, Sections 20-1.2.1 wherein it specifies that below-the-hook lifting devices must be capable of lifting loads within its rated capacity, which must be marked so as to inform the user to prevent overloading an failure of the device. The employer can determine during the periodic inspection of these devices that the rated load capacity is marked and used within its rated load capacity.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 12/24/2012
Proposed Penalty: $4,900.00
Citation and Notification of Penalty

Company Name: B.W. Grinding Co., dba B.W. Supply
Inspection Site: P.O. Box 307, Lyons, OH 43533

Citation 1 Item 2  Type of Violation: Serious

OSH ACT of 1970 Section (5)(a)(1): Section 5(a)(1) of the Occupational Safety and Health Act of 1970: 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 employees are exposed to struck by hazards from falling loads.

a) On or about May 24, 2012, an employee was exposed to a struck by, crushing hazard from a falling load due to a broken latch on the hook for the 480V electric Shawbox wire rope hoist on the 10 ton Erie Products top running crane in the melt area of the foundry when carrying the 11,500 lb capacity ladle or lifting sand molds ranging from 100 lbs to 3000 lbs.

b) On or about May 24, 2012, an employee was exposed to a struck by, crushing hazard from a falling load due to a latch that would not completely close the throat of the hook for the 480V electric wire rope hoist on the 2 ton crane in the green sand area of the foundry when carrying the 1600 lb capacity ladle.

Among other methods, a feasible and acceptable abatement method to correct this hazard is to follow the American Society of Mechanical Engineers (ASME) B30.10-2009, Safety Standard for Cableways, Cranes, Derricks, Hoists, Hooks, Jacks, and slings. Follow the guidelines stated in Section 10-1.10: Inspections, Removal and Repair. A latch that does not close the throat opening on the hook shall be removed from service until the latch is repaired or replaced.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 12/24/2012
Proposed Penalty: $3,500.00

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: B.W. Grinding Co., dba B.W. Supply
Inspection Site: P.O. Box 307, Lyons, OH 43533

Citation 1  Item 3  Type of Violation: Serious

OSH ACT of 1970 Section (5)(a)(1): Section 5(a)(1) of the Occupational Safety and Health Act of 1970: 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 who used ladles with no mechanism to prevent tipping were exposed to burn hazards.

a) On or about May 24, 2012, the ladles used by employees to pour molten metal were not equipped with a mechanism to prevent the ladle from uncontrolled tilting exposing employees to severe burns.

Among other methods, one feasible method of abatement to correct this hazard is to follow the American Society for Testing and Materials (ASTM) Designation E 2349 09. American Foundry Society, Inc. Standard Practice for Safety Requirements in Metal Casting Operation; Sand Preparation, Molding, and Core Making; Melting and Pouring; and Cleaning and Finishing. Follow the guidelines stated in Section 9.4.5.1: means shall be provided and used to prevent uncontrolled tilting of a ladle when suspended by a hoist. Examples of a suitable means are bail locks and self-righting ladles. It is satisfactory to construct bail locks of a nonweldable material to increase reliable operation under metal splatter conditions.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 12/24/2012
Proposed Penalty: $3,500.00

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: B.W. Grinding Co., dba B.W. Supply
Inspection Site: P.O. Box 307, Lyons, OH 43533

Citation 1 Item 4 Type of Violation: Serious

29 CFR 1910.178(o)(1): Load(s) on powered industrial truck(s) were not stable or safely arranged:

a) On or about May 24, 2012, the employer did not assure that the ladle being transported from the furnace to the green sand area by a forklift was stable. The ladle is placed on the forks of the forklift and could slide off of the forks while in transport exposing employees in front of the ladle to severe burns.

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

Among other methods, one feasible method of abatement to correct this hazard is to follow the American Society for Testing and Materials (ASTM) Designation E 2349 - 09. American Foundry Society, Inc. Standard Practice for Safety Requirements in Metal Casting Operation; Sand Preparation, Molding, and Core Making; Melting and Pouring; and Cleaning and Finishing. Chapter 9: Melting and Pouring, Section 9.4.5: Transporting of Ladles, 9.4.5.3: Means shall be provided to prevent unintentional sliding, or tipping of ladles, or both while transporting molten metal with vehicular equipment (Some examples of vehicular equipment are fork trucks, platform trucks, and transfer cars.) Examples of a suitable means are to chain the bail to the lift or use an approved fork truck attachment to lift and secure the ladle.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 12/24/2012
Proposed Penalty: $3,500.00

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: B.W. Grinding Co., dba B.W. Supply  
Inspection Site: P.O. Box 307, Lyons, OH 43533

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 5  a  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 May 24, 2012, the employer did not assure the Toyota forklift (Model 7FGCU25 Serial# 02897) was removed from service during a time in which it was in need of repair. Employees were exposed to injuries related to unsafe operating conditions in that the horn was not functioning.

b) On or about May 24, 2012, the employer did not assure the YALE forklift (Model GC050BCNAT072GS Serial# N378495) was removed from service during a time in which it was in need of repair. Employees were exposed to injuries related to unsafe operating conditions in that the horn and parking brake were not functioning.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:  12/24/2012
Proposed Penalty:  $4,900.00

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:** B.W. Grinding Co., dba B.W. Supply  
**Inspection Site:** P.O. Box 307, Lyons, OH 43533

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

29 CFR 1910.178(q)(7): Industrial trucks were not examined before being placed in service, or were placed in service if the examination showed conditions adversely affecting the safety of the vehicle

a) On or about May 24, 2012, the employer did not assure the Toyota forklift (Model 7FGCU25, Serial# 02897) was examined for conditions that adversely affect the trucks safety before being placed into service. The Toyota lift truck was not in a safe operating condition in that the horn was not operative, preventing the operator from alerting pedestrians.

b) On or about May 24, 2012, the employer did not assure the YALE forklift (Model GC050BCNNAT072GS, Serial# N378495) was examined for conditions that adversely affect the trucks safety before being placed into service. The YALE lift truck was not in a safe operating condition in that the horn and parking brake were not functioning.

No additional abatement information is needed for this item.

**Date By Which Violation Must be Abated:** Corrected During Inspection
Citation and Notification of Penalty

Company Name: B.W. Grinding Co., dba B.W. Supply
Inspection Site: P.O. Box 307, Lyons, OH 43533

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

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch:

a) On or about May 24, 2012, the employer did not assure that employees who operated both sides of the large snag grinder in the grinding area were protected from the hazards of wheel breakage in that the tongue guard, or the upper peripheral member, was not adjusted to no more than one-fourth inch from the abrasive wheel.

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

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 12/24/2012
Proposed Penalty: $3,500.00
Citation 1 Item 7  Type of Violation: **Serious**

29 CFR 1910.215(d)(1): Spindle speed(s) on grinding machine(s) were not checked before mounting to assure that it did not exceed the maximum operating speed marked on the wheel. Also wheel(s) on grinding machine(s) were not sounded (ring test) and inspected for damage before mounting:

a) On or about May 24, 2012, employees were exposed to hazards associated with abrasive wheel breakage in that the employer did not assure to inspect the NORTON foundry abrasive wheels before they were mounted on both sides of the large snag grinder in the grinding area. The employer did not sound (ring test) the wheel, and did not check to make certain that the grinders spindle speed did not exceed the maximum operating speed marked on the wheels before using the wheel for grinding operations.

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

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 12/24/2012
Proposed Penalty: $3,500.00
Citation and Notification of Penalty

Company Name: B.W. Grinding Co., dba B.W. Supply
Inspection Site: P.O. Box 307, Lyons, OH 43533

Citation 2 Item 1 Type of Violation: Willful

29 CFR 1910.132(a): Protective equipment was not used when necessary whenever hazards capable of causing injury and impairment were encountered:

a) On or about May 24, 2012, the employer did not assure that employees pouring molten gray ductile iron into molds were wearing protective foundry pants to reduce exposure of radiant, ambient and conductive heat and contact with molten metal generated when pouring the molten (approximately 2,650 degrees F) metal into molds.

b) On or about May 24, 2012, the employer did not assure that the furnace operators who added scrap metal to the furnace were wearing protective foundry pants to reduce exposure of radiant, ambient and conductive heat and contact with molten metal generated when pouring the molten (approximately 2,650 degrees F) metal into molds.

c) On or about May 24, 2012, the employer did not assure melting pourer helpers were wearing protective foundry pants to reduce exposure of radiant, ambient and conductive heat and contact with molten metal generated when pouring the molten (approximately 2,650 degrees F) metal into molds.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 12/03/2012

Proposed Penalty: $49,000.00

[Signature]
Kimberly Nelson
Area Director

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
420 Madison Ave
Suite 600
Toledo, OH 43604
Phone: 419-259-7542 Fax: 419-259-6355

INVOICE /
DEBT COLLECTION NOTICE

Company Name: B.W. Grinding Co., dba B.W. Supply
Inspection Site: P.O. Box 307, Lyons, OH 43533
Issuance Date: 11/06/2012

Summary of Penalties for Inspection Number 444493
Citation 1, Serious $27,300.00
Citation 2, Willful $49,000.00
TOTAL PROPOSED PENALTIES $76,300.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: “DOL-OSHA”. Please indicate OSHA’s Inspection Number (indicated above) on the remittance.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all
penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges**: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs**: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

[Signature]
Kimberly Nelson
Area Director

[Signature]
Nov. 6, 2012
Date