

U.S. Department of Labor Occupational Safety and Health Administration
1240 East 9th Street,
Room 899
Cleveland, OH 44199
Phone: 216-615-4266 Fax: 216-615-4234



04/10/2013

Ball Aerosol and Specialty Container, Inc.
644 Myron Street
Hubbard, OH 44425

Dear Employer,

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

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

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

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take 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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of Electronic Freedom 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. If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,



Howard B Eberts

for Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
1240 East 9th Street
Room 899
Cleveland, OH 44199
Phone: 216-615-4266 Fax: 216-615-4234



Citation and Notification of Penalty

To:
Ball Aerosol and Specialty Container, Inc.
644 Myron Street
Hubbard, OH 44425

Inspection Number: 690418
Inspection Date(s): 10/17/2012 -
Issuance Date: 04/10/2013

Inspection Site:
644 Myron Street
Hubbard, OH 44425

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 04/10/2013. The conference will be held at the OSHA office located at 1240 East 9th Street, Room 899, Cleveland, OH 44199 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 690418

Company Name: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425
Issuance Date: 04/10/2013

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, 1240 East 9th Street, Room 899, Cleveland, OH 44199**

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

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

Inspection Number: 690418
Inspection Date(s): 10/17/2012 -
Issuance Date: 04/10/2013



Citation and Notification of Penalty

Company Name: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

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

29 CFR 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent) and toeboards: Note: Toeboards are only required when persons can pass, there is moving equipment or there is equipment with which falling materials could create a hazard.

Shipping Department: Employees were exposed to falls of approximately 10 feet while working on the lift platform.

One feasible means of abatement is to add a guardrail to the exposed side of the lift platforms.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2013
Proposed Penalty:	\$5500.00

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: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

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

29 CFR 1910.212(a)(1): Machine guarding is not provided to protect operator(s) and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

The employer does not provide machine guarding to protect employees in the machine area from hazards of nip points and/or rotating parts.

Employees are exposed to crushing injuries while feeding and adjusting material in the feed rollers. Employees are within two to four inches from the unguarded nip points and/or rotating parts in the machine area.

- (a) "Line 4" slitting machine did not have the feed rollers guarded, exposing rotating parts and nip points in that area;
- (b) "Line 5" slitting machine did not have the feed rollers guarded, exposing rotating parts and nip points in that area;
- (c) "Line 6" slitting machine did not have the feed rollers guarded, exposing rotating parts and nip points in that area;
- (d) "Line 7" slitting machine did not have the feed rollers guarded, exposing rotating parts and nip points in that area;
- (e) Shear 49 did not have the feed rollers guarded, exposing rotating parts and nip points in that area;
- (f) Shear 50 did not have the feed rollers guarded, exposing rotating parts and nip points in that area;
- (g) Shear 51 did not have the feed rollers guarded, exposing rotating parts and nip points in that area;
- (h) Shear 52 did not have the feed rollers guarded, exposing rotating parts and nip points in that area;

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: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

- (i) Shear 48 did not have the feed rollers guarded, exposing rotating parts and nip points in that area;
- (j) Press Department: "Slitter 59" slitting machine did not have the feed rollers guarded, exposing rotating parts and nip points in that area.

To abate this violation, the employer must guard all nip points and/or rotating parts, and take steps to ensure that the guards remain in place while employees are in the area.

Pursuant to 29 CFR 1903.19, the employer must submit an abatement plan within (25 days) describing the actions it is taking to guard all points of operation, and to ensure that the guards remain in place; its schedule for completing these actions; and what it is doing to protect employees until all the guards are installed. Every 30 days thereafter, the employer shall submit a progress report stating how many guards it has installed and how many it still needs to install; whether it is meeting the schedule set for in its abatement plan, and if not why not; and whether it is maintaining the guards that have already been installed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2013
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

Citation 2 Item 2 Type of Violation: **Willful**

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

The employer does not provide machine guarding to protect employees in the machine area from hazards created by point of operation. Employees are exposed to amputation hazards on the "Line 4" slitting machine, 1st and 2nd operation while adjusting material and removing parts. Employees are within two to four inches of the unguarded knives. The 1st operation had no guard for the knives. The 2nd operation did not have the guard affixed or interlocked.

At line 4 slitting machine, employees are exposed to at least 2 unguarded points of operation. Some of these locations had been guarded in the past, but the guards had been removed and not replaced. To abate this violation, the employer must guard all points of operation, and take steps to ensure that the guards remain in place while employees are in the area.

Pursuant to 29 C.F.R. 1903.19, the employer must submit an abatement plan with (25 days) describing the actions it is taking to guard all points of operation, and to ensure that the guards remain in place; its schedule for completing these actions; and what it is doing to protect employees until all other guards are installed. Every 30 days thereafter, the employer shall submit a progress report stating how many guards it has installed and how many it still needs to install; whether it is meeting the schedule set for in its abatement plan, and if not why not; and whether it is maintaining the guards that have already been installed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2013
Proposed Penalty:	\$70000.00

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: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

Citation 2 Item 3 Type of Violation: **Willful**

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

The employer does not provide machine guarding to protect employees in the machine area from hazards created by point of operation. Employees are exposed to amputation hazards on the "Line 5" slitting machine, 2nd operation while adjusting material and removing parts. Employees are within two to four inches of the unguarded knives. The hinged/movable guards for the slitter heads are open and not interlocked to prevent operating cycles when opened. The guard could not be lowered because of conduit that was run across the knives (slitter heads). The opening measures approximately 7 x 45 inches.

At line 5 slitting machine, employees are exposed to at least 1 unguarded point of operation. Some of these locations had been guarded in the past, but the guards had been removed and not replaced. To abate this violation, the employer must guard all points of operation, and take steps to ensure that the guards remain in place while employees are in the area.

Pursuant to 29 C.F.R. 1903.19, the employer must submit an abatement plan with (25 days) describing the actions it is taking to guard all points of operation, and to ensure that the guards remain in place; its schedule for completing these actions; and what it is doing to protect employees until all other guards are installed. Every 30 days thereafter, the employer shall submit a progress report stating how many guards it has installed and how many it still needs to install; whether it is meeting the schedule set for in its abatement plan, and if not why not; and whether it is maintaining the guards that have already been installed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2013
Proposed Penalty:	\$70000.00

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: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

Citation 2 Item 4 Type of Violation: **Willful**

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

The employer does not provide machine guarding to protect employees in the machine area from hazards created by point of operation. Employees are exposed to amputation hazards on the "Line 6" slitting machine, while adjusting material and removing parts. Employees are approximately two to four inches from the unguarded knives. The slitting machine did not have a back guard for the knives (slitter head).

At line 6 slitting machine, employees are exposed to at least 1 unguarded point of operation. Some of these locations had been guarded in the past, but the guards had been removed and not replaced. To abate this violation, the employer must guard all points of operation, and take steps to ensure that the guards remain in place while employees are in the area.

Pursuant to 29 C.F.R. 1903.19, the employer must submit an abatement plan with (25 days) describing the actions it is taking to guard all points of operation, and to ensure that the guards remain in place; its schedule for completing these actions; and what it is doing to protect employees until all other guards are installed. Every 30 days thereafter, the employer shall submit a progress report stating how many guards it has installed and how many it still needs to install; whether it is meeting the schedule set for in its abatement plan, and if not why not; and whether it is maintaining the guards that have already been installed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2013
Proposed Penalty:	\$70000.00

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: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

Citation 2 Item 5 Type of Violation: **Willful**

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

The employer does not provide machine guarding to protect employees in the machine area from hazards created by point of operation. Employees are exposed to amputation hazards on the "Slitter 59" slitting machine, while adjusting material and removing parts from the slitting machine. Employees are approximately two to four inches from the unguarded knives. The hinged/movable guards for the slitter heads are not interlocked to prevent operating cycles when opened. The guard did not prevent entry of hands/fingers. The opening measured approximately 2 1/2 x 43 inches.

At Slitter 59 slitting machine, employees are exposed to at least 1 unguarded point of operation. Some of these locations had been guarded in the past, but the guards had been removed and not replaced. To abate this violation, the employer must guard all points of operation, and take steps to ensure that the guards remain in place while employees are in the area.

Pursuant to 29 C.F.R. 1903.19, the employer must submit an abatement plan with (25 days) describing the actions it is taking to guard all points of operation, and to ensure that the guards remain in place; its schedule for completing these actions; and what it is doing to protect employees until all other guards are installed. Every 30 days thereafter, the employer shall submit a progress report stating how many guards it has installed and how many it still needs to install; whether it is meeting the schedule set for in its abatement plan, and if not why not; and whether it is maintaining the guards that have already been installed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2013
Proposed Penalty:	\$70000.00

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: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

Citation 2 Item 6 Type of Violation: **Willful**

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

The employer does not provide machine guarding to protect employees in the machine area from hazards created by point of operation. Employees are exposed to amputation hazards on "Shear 49" mechanical guillotine shear, while adjusting material and removing parts from the mechanical guillotine shear. Employees are approximately two to four inches from the unguarded blade. The hinged/movable guards for the blades are not interlocked to prevent operating cycles when opened. The guard did not extend down over the blades to prevent entry of hands/fingers.

At Shear 49 mechanical guillotine shear, employees are exposed to at least 1 unguarded point of operation. Some of these locations had been guarded in the past, but the guards had been removed and not replaced. To abate this violation, the employer must guard all points of operation, and take steps to ensure that the guards remain in place while employees are in the area.

Pursuant to 29 C.F.R. 1903.19, the employer must submit an abatement plan with (25 days) describing the actions it is taking to guard all points of operation, and to ensure that the guards remain in place; its schedule for completing these actions; and what it is doing to protect employees until all other guards are installed. Every 30 days thereafter, the employer shall submit a progress report stating how many guards it has installed and how many it still needs to install; whether it is meeting the schedule set for in its abatement plan, and if not why not; and whether it is maintaining the guards that have already been installed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2013
Proposed Penalty:	\$70000.00

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: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

Citation 2 Item 7 Type of Violation: **Willful**

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

The employer does not provide machine guarding to protect employees in the machine area from hazards created by point of operation. Employees are exposed to amputation hazards on "Shear 50" mechanical guillotine shear, while adjusting material and removing parts from the mechanical guillotine shear. Employees are approximately two to four inches from the unguarded blade. The hinged/movable guards for the blades are not interlocked to prevent operating cycles when opened. The guard did not extend down over the blades to prevent entry of hands/fingers. The opening measured approximately 4 1/2 x 6 inches.

At Shear 50 mechanical guillotine shear, employees are exposed to at least 1 unguarded point of operation. Some of these locations had been guarded in the past, but the guards had been removed and not replaced. To abate this violation, the employer must guard all points of operation, and take steps to ensure that the guards remain in place while employees are in the area.

Pursuant to 29 C.F.R. 1903.19, the employer must submit an abatement plan with (25 days) describing the actions it is taking to guard all points of operation, and to ensure that the guards remain in place; its schedule for completing these actions; and what it is doing to protect employees until all other guards are installed. Every 30 days thereafter, the employer shall submit a progress report stating how many guards it has installed and how many it still needs to install; whether it is meeting the schedule set for in its abatement plan, and if not why not; and whether it is maintaining the guards that have already been installed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2013
Proposed Penalty:	\$70000.00

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: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

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

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:

The employer does not have a comprehensive training program for employees expected to fight incipient-stage fires.

The employer's fire prevention program did include training of employees on the use of portable fire extinguishers in the event of a fire. However, the employer only trained employees who were welders at the facility. To abate this violation, the employer must train all employees on what is expected of them in the event of an incipient-stage fire.

Pursuant to 29 CFR 1903.13, the employer must submit documents describing the steps it is taking to ensure compliance, including a copy of training records for employees, and an explanation of how it will maintain fire extinguisher training at the worksite.

NOTE: The employer may exercise one of the following options:

- 1) Provide portable fire extinguishers as specified in 29 CFR 1910.157(c)(1), meet the distribution requirements per 29 CFR 1910.157(d) (75 to the nearest extinguisher for Class A fires and 50 to the nearest extinguisher for Class B fires), and provide training and education for all employees in the use of such equipment and the hazards associated with incipient stage fire fighting as required in 29 CFR 1910.157(g). The other sections of 29 CFR 1910.157 also apply.
- 2) Provide extinguishers as specified in 29 CFR 1910.157(c) (1), designate certain employees to be the only employees authorized to use such equipment and require all other employees to immediately evacuate upon the sounding of the fire alarm, establish this in writing in an emergency action plan as outlined in 29 CFR 1910.38(c) and train/educate designated employees per 1910.157(g). Utilizing this option exempts the employer from distribution requirements of 29 CFR 1910.157(d).

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: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

3) Establish a written fire safety policy which requires the immediate and total evacuation of employees from the workplace upon the sounding of a fire alarm signal. This policy includes an emergency action plan and a fire prevention plan as specified in 29 CFR 1910.38(a) and (b). Utilizing this option exempts the employer from the requirements of 1910.157 to include the need for providing portable fire equipment unless a specific standard requires that a portable fire extinguisher be provided (such as those requirements in 29 CFR 1910.106/107 relating to use/storage of flammable/combustible liquids). If extinguishers are provided but not intended for employee use, 29 CFR 1910.157(a) and (f) are still applicable (inspection, maintenance and testing of equipment).

NOTE: BALL AEROSOL SPECIALTY, WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, 1910.157(g)(2), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 313035529, CITATION NUMBER 1, ITEM NUMBER 1, AND WAS AFFIRMED AS A FINAL ORDER ON 4/27/09, WITH RESPECT TO A WORKPLACE LOCATED AT 644 MYRON STREET, HUBBARD, OHIO.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/15/2013
Proposed Penalty:	\$16500.00



Citation and Notification of Penalty

Company Name: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

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

29 CFR 1910.212(a)(1): Machine guarding is not provided to protect operator(s) and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

The employer does not provide machine guarding to protect employees in the machine area from hazards of nip points and/or rotating parts.

Employees are exposed to crushing injuries and/or amputations, while adjusting material in the equipment. Employees are within two to four inches from the unguarded nip points and/or rotating parts in the machine area.

- (a) Seamer, Line 1, top - The feed auger did not have any guarding;
- (b) Line 1 flanger had no guard;
- (c) Line 2 seamer had an opening in the guard for the auger of approximately 11 x 2 inches;
- (d) Line 2 seamer exit turret had an opening in the guard of approximately 4 x 9 inches;
- (e) Line 5 seamer in-feed, only had a top guard and no side guards;
- (f) Line 5 flanger discharge turret, did not have a guard. The opening measured approximately 22 x 13 inches;
- (g) Line 5 flanger was not guarded;
- (h) Line 1 seamer hand wheel was not guarded;
- (i) Seamer Line 1, top seamer, did not have the exit or enter turret guarded;
- (j) Seamer Line 1, bottom seamer, had an opening in the exit turret of approximately 23 x 35 inches;

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: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

- (k) Seamer Line 1, bottom seamer, had no guard for the entry turret;
- (l) Seamer Line 2, had an opening in the guard on the exit turret. The opening measured approximately 4 x 9 inches;
- (m) Line 6, 309 bottom seamer, did not have the turret adequately guarded. The guard was not secured or interlocked;
- (n) Line 6, 704 bottom seamer, did not have the turret adequately guarded. The guard was not secured or interlocked

To abate this violation, the employer must guard all nip points and/or rotating parts, and take steps to ensure that the guards remain in place while employees are in the area.

Pursuant to 29 CFR 1903.19, the employer must submit an abatement plan within (25 days) describing the actions it is taking to guard all points of operation, and to ensure that the guards remain in place; its schedule for completing these actions; and what it is doing to protect employees until all the guards are installed. Every 30 days thereafter, the employer shall submit a progress report stating how many guards it has installed and how many it still needs to install; whether it is meeting the schedule set for in its abatement plan, and if not why not; and whether it is maintaining the guards that have already been installed.

NOTE: BALL AEROSOL SPECIALTY, WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, 1910.212(a)(1), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 313035529, CITATION NUMBER 1, ITEM NUMBER 2, AND WAS AFFIRMED AS A FINAL ORDER ON 7/19/09, WITH RESPECT TO A WORKPLACE LOCATED AT 644 MYRON STREET, HUBBARD, OHIO.

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

Inspection Number: 690418
Inspection Date(s): 10/17/2012 -
Issuance Date: 04/10/2013



Citation and Notification of Penalty

Company Name: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2013
Proposed Penalty:	\$38500.00

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: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

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

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

(a) The employer does not provide machine guarding to protect employees in the machine area from hazards created by point of operation. Employees are exposed to amputation hazards on the "Line 7" slitting machine, 2nd operation while adjusting material and removing parts from the slitting machine. Employees are within two to four inches of the unguarded knives. The opening measures approximately 7 x 45 inches.

At line 7 slitting machine, employees are exposed to at least 1 unguarded point of operation. Some of these locations had been guarded in the past, but the guards had been removed and not replaced. To abate this violation, the employer must guard all points of operation, and take steps to ensure that the guards remain in place while employees are in the area.

(b) The employer does not provide machine guarding to protect employees in the machine area from hazards created by point of operation. Employees are exposed to amputation hazards on "Shear 48" mechanical guillotine shear, while adjusting material and removing parts from the mechanical guillotine shear, and within two to four inches of the unguarded blades. The hinged/movable guards for the blades are not interlocked to prevent operating cycles when opened. The guard did not prevent entry of hands/fingers. The opening measured approximately 6 1/2 x 47 inches.

At Shear 48 mechanical guillotine shear, employees are exposed to at least 1 unguarded point of operation. Some of these locations had been guarded in the past, but the guards had been removed and not replaced. To abate this violation, the employer must guard all points of operation, and take steps to ensure that the guards remain in place while employees are in the area.

(c) The employer does not provide machine guarding to protect employees in the machine area from hazards created by point of operation. Employees are exposed to amputation hazards on "Shear 51" mechanical guillotine shear, while adjusting material and removing parts from the mechanical guillotine shear. Employees are approximately two to four inches from the unguarded blade. The hinged/movable guards for the blades are not interlocked to prevent operating cycles when opened.

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: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425

The guard did not extend down over the blades to prevent entry of hands/fingers.

At Shear 51 mechanical guillotine shear, employees are exposed to at least 1 unguarded point of operation. Some of these locations had been guarded in the past, but the guards had been removed and not replaced. To abate this violation, the employer must guard all points of operation, and take steps to ensure that the guards remain in place while employees are in the area.

Pursuant to 29 C.F.R. 1903.19, the employer must submit an abatement plan with (25 days) describing the actions it is taking to guard all points of operation, and to ensure that the guards remain in place; its schedule for completing these actions; and what it is doing to protect employees until all other guards are installed. Every 30 days thereafter, the employer shall submit a progress report stating how many guards it has installed and how many it still needs to install; whether it is meeting the schedule set for in its abatement plan, and if not why not; and whether it is maintaining the guards that have already been installed.

NOTE: BALL AEROSOL SPECIALTY, WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 1910.212(a)(1), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 313035529, CITATION NUMBER 1, ITEM 2, AND WAS AFFIRMED AS A FINAL ORDER ON 4/27/09, WITH RESPECT TO A WORKPLACE LOCATED AT MYRON STREET, HUBBARD, OHIO.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/29/2013
Proposed Penalty: \$38500.00

A handwritten signature in black ink, appearing to read "Howard B Eberts", is written over a horizontal line.

Howard B Eberts
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1240 East 9th Street
Room 899
Cleveland, OH 44199
Phone: 216-615-4266 Fax: 216-615-4234



INVOICE / DEBT COLLECTION NOTICE

Company Name: Ball Aerosol and Specialty Container, Inc.
Inspection Site: 644 Myron Street, Hubbard, OH 44425
Issuance Date: 04/10/2013

Summary of Penalties for Inspection Number	690418
Citation 1, Serious	\$5500.00
Citation 2, Willful	\$490000.00
Citation 3, Repeat	\$93500.00
TOTAL PROPOSED PENALTIES	\$589000.00

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.


Howard B Eberts
for Area Director

April 10, 2013
Date