

U.S. Department of Labor

Occupational Safety and Health Administration

Syracuse Area Office

3300 Vickery Road

North Syracuse, NY 13212

Phone: (315)451-0808 FAX: (315)451-1351

OSHA Website Address: <http://www.osha.gov>



Citation and Notification of Penalty

To:

BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
and its successors
Philip Wenzel, VP Operations
5375 N. Main Street
Munnsville, NY 13409

Inspection Number: 314352576

Inspection Date(s): 06/01/2011- 06/14/2011

Issuance Date: 11/16/2011

Inspection Site:

5375 N. Main Street
Munnsville, NY 13409

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 4 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 "US 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.

Internet Posting Notice: You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under 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 "<http://www.osha.gov>". If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 11/16/2011. The conference will be held at the OSHA office located at Syracuse Area Office, 3300 Vickery Road, North Syracuse, NY, 13212 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
Inspection Site: 5375 N. Main Street, Munnsville, NY 13409

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

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 were exposed to the hazard of being struck by the load should the overhead hoist or below-the-hook fail:

- a) **The following below-the-hook lifting devices did not have the rated load capacity markings on them and no inspections were conducted:**
1. **Fabrication Dept., on or about 6/1/11: A spreader beam attached to the north MHT crane for lifting bar stock had no rated load capacity markings and had not been inspected.**
 2. **Fabrication Dept., on or about 6/1/11: A Letellier 5 ton spreader beam attached to the south MHT crane for lifting bar stock had not been inspected.**
 3. **Welding Dept., Cutter Deck Cell #1, on or about 6/1/11: Four below-the-hook lifting devices used with a Demag 1/4 ton overhead hoist had no rated load capacity markings and had not been inspected.**
 4. **Welding Dept., Cutter Deck Cell #2, on or about 6/1/11: Three below-the-hook lifting devices used with a Demag 1/4 ton overhead hoist had no rated load capacity markings and had not been inspected.**
 5. **Assembly, Red Line Deck Area, on or about 6/1/11: A 60 inch spreader beam type below-the-hook lifting device used with a Harrington 1/4 ton overhead hoist had no rated load capacity markings and had not been inspected.**
 6. **Assembly, Blue Line Crate Area, on or about 6/8/11: A below-the-hook lifting device used with a 1/4 ton Ingersoll Rand overhead hoist for lifting crates had no rated load capacity markings and had not been inspected.**
 7. **Assembly, Green Line Unload Station, on or about 6/8/11: A below-the-hook lifting device used with a one ton Saturn overhead hoist had no rated load capacity markings and had not been inspected.**

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: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
Inspection Site: 5375 N. Main Street, Munnsville, NY 13409

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8. **Assembly, Green Line, Test Station 1, on or about 6/8/11: A below-the-hook lifting device used for lifting crates had no rated load capacity markings and had not been inspected.**

Among other methods, one feasible and acceptable abatement method to correct these hazards are to:

1. **Mark the rated load capacity on the device in accordance with ASME B30.20-2010, Section 20-1.2.1.**
 2. **Inspect the lifting device in accordance with ASME B30.20-2010, Section 20-1.3.**
- b) **Fabrication Dept., on or about 6/1/11: A 5 ton MHT crane (south) did not have five buttons on the pendant control labeled as to what they controlled.**

Among other methods, one feasible and acceptable method to correct this hazard is to:

1. **Mark the pendant controls in accordance with ASME B30.16-2007, Section 16-1.1.2.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated: 12/19/2011
Proposed Penalty: \$ 5000.00



Citation and Notification of Penalty

Company Name: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
Inspection Site: 5375 N. Main Street, Munnsville, NY 13409

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.23(a)(8): Floor hole(s), into which persons could accidentally walk, were not guarded by standard railings with standard toeboards on all exposed sides or by floor hole covers of standard strength and construction:

- a) **Finish/Paint Shop, on or about 6/2/11: A fixed stairway to the upper deck outside the oven had two floor holes on both sides of the stairway measuring 8" X 32" and 6" X 32" that were not guarded.**
- b) **Finish/Paint Shop, on or about 6/2/11: A floor hole measuring 4 1/2" X 12" at the base of a fixed ladder to the oven, was not guarded.**

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| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$ 3000.00 |

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

29 CFR 1910.23(d)(1)(ii): Flight(s) of stairs with 4 or more risers, less than 44 inches wide and having one side open, were not equipped with a standard stair railing on the open side:

- a) **Finish, Paint Dept., on or about 6/2/11: Fixed stairway with five risers to the upper deck outside the oven was not provided with a stair railing on the right side descending.**

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

Company Name: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
Inspection Site: 5375 N. Main Street, Munnsville, NY 13409

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

29 CFR 1910.24(f): Stairs did not have uniform rise height and tread width throughout the flight of stairs:

- a) **Assembly, Green Line, Unload Station, on or about 6/8/11: Stairway with four risers to the deck leveling table was not uniform in rise height and tread throughout the flight of stairs.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated: 12/19/2011
Proposed Penalty: \$ 3000.00

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

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure that employees acquired the knowledge and skills required for the safe application, usage and removal of energy control devices:

- a) **At the establishment, on or about 6/1/11: Adequate training was not provided to all authorized employees, including but not limited to setup operators, on the lockout/tagout program and procedures to ensure that employees acquired the knowledge and skills required for the safe application, usage and removal of energy control devices. Servicing, including tool and die changes on equipment is performed by machine operators on various pieces of equipment, including, but not limited to press brakes, mechanical power presses, hydraulic benders, hydraulic presses, saws, ironworkers, and various CNC equipment.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated: 12/19/2011
Proposed Penalty: \$ 5000.00

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



Citation and Notification of Penalty

Company Name: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
Inspection Site: 5375 N. Main Street, Munnsville, NY 13409

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.184(e)(3)(i): Thorough periodic inspections of alloy steel chain slings in use were not made on a regular basis:

- a) **Maintenance Dept., on or about 6/8/11: Inspections were not made on twelve alloy steel chain slings.**

Abatement certification must be submitted for this item.

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| Date By Which Violation Must be Abated: | 12/19/2011 |
| Proposed Penalty: | \$ 3000.00 |

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

29 CFR 1910.184(i)(9)(iv): Synthetic web sling(s) with broken or worn stitches were not immediately removed from service:

- a) **Fabrication Dept., on or about 6/1/11: Nylon sling being used to lift bar stock with a 5 ton Spacemaster overhead crane had several broken and worn stitches.**
- b) **Assembly, Station BL38, on or about 6/2/11: Nylon sling being used to lift mowers at the upload area had several broken and worn stitches.**

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

Company Name: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
Inspection Site: 5375 N. Main Street, Munnsville, NY 13409

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

29 CFR 1910.217(c)(2)(i)(a): Point of operation guard(s) on mechanical power press(es) did not prevent entry of hands or fingers into the point of operation by reaching through, over, under or around the guard(s):

- a) **Fabrication Dept., on or about 6/1/11: Point of operation guard did not prevent entry through the left side of a Niagara part revolution mechanical power press, Serial #48648. Opening measured 5" X 11" at the conveyor chute and the perforated metal guards at the sides of the chute were not secured in place.**

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| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$ 5000.00 |

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

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

- a) **Fabrication Dept., Trump Punch Center, on or about 6/1/11: Electrical equipment was not installed in a workmanlike manner in that conductors with a receptacle attachment and a plug were wired outside a junction box and a flexible cord suspended from the ceiling joist was tie wrapped along the workbench which was providing current to a micrometer digital readout.**

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| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$ 3000.00 |

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



Citation and Notification of Penalty

Company Name: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
Inspection Site: 5375 N. Main Street, Munnsville, NY 13409

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

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

- a) **Assembly, Red Line Deck Area, on or about 6/2/11: Two extension cords run along the floor at the electric lift table to power a motor tester and a fan were being used as permanent wiring.**
- b) **Assembly, Red Line Test Stand, on or about 6/2/11: Two extension cords and two plug adapters at the workbench to power various portable tools were being used as permanent wiring.**
- c) **Assembly, Blue Line, Bench 34, on or about 6/2/11: Two extension cords run along the floor to power fans and a drill were being used as permanent wiring.**
- d) **Assembly, Blue Line, Test Stand, on or about 6/8/11: A three receptacle extension cord strung from a junction box at the ceiling, providing current to two pedestal fans, was being used as permanent wiring.**
- e) **Assembly, Cutter Deck for Blue Line, back side of BL31 work station, on or about 6/8/11: Two extension cords providing current to a light switch and to equipment at the work station were strung along the back side of the work station and being used as permanent wiring.**
- f) **Assembly, Green Line, Test Station 2, on or about 6/8/11: An extension cord strung from the ceiling to a workbench providing current to a strip outlet, a wheel motor tach and a fan was being used as permanent wiring.**
- g) **Assembly, Green Line, Test Station 1, on or about 6/8/11: Two extension cords strung from the ceiling to a workbench providing current to a wheel motor tach and to a fan were being used as permanent wiring.**
- h) **Hose Room, on or about 6/8/11: An extension cord and a strip outlet providing current to a light switch at the wire loom workbench was being used as permanent wiring.**

Abatement certification must be submitted for these items.

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: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
Inspection Site: 5375 N. Main Street, Munnsville, NY 13409

Date By Which Violation Must be Abated: 12/19/2011

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

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

- a) **Finish, Paint Shop, on or about 6/2/11: Two electrical disconnect switches located behind an Ingersoll Rand air compressor were not labeled and two disconnects were not clearly labeled as to what they controlled.**
- b) **Assembly, Shipping Dock, on or about 6/2/11: Circuit breaker panel had four breakers not labeled as to what they controlled.**
- c) **Maintenance Dept., on or about 6/8/11: Circuit breaker panel near the Niagara shear had 20 breakers not labeled as to what they controlled.**

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$ 3000.00



Citation and Notification of Penalty

Company Name: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC

Inspection Site: 5375 N. Main Street, Munnsville, NY 13409

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

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

- a) **Finish, Paint Shop, on or about 6/2/11: Open sided floor on the platform between the fixed ladder and top of the oven at two separate locations, both ten feet from floor level, were not provided with midrails.**
- b) **Finish, Paint Shop, on or about 6/2/11: Open sided floor at the east wall next to the oven, measuring 24" X 40" by 53" deep was not guarded.**

THE SIMPLICITY MANUFACTURING INC. - FERRIS DIVISION WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 310747811, CITATION NUMBER 1, ITEM NUMBER 1 AND WAS AFFIRMED AS A FINAL ORDER ON 6/11/07, WITH RESPECT TO A WORKPLACE LOCATED AT 5375 N. MAIN STREET, MUNNSVILLE, NEW YORK.

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| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$ 20000.00 |

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: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
Inspection Site: 5375 N. Main Street, Munnsville, NY 13409

Citation 2 Item 2 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:

- a) **At the establishment, on or about 6/1/11: Annual training was not provided to employees on the use of fire extinguishers and the hazards involved with incipient stage fire fighting.**

THE SIMPLICITY MANUFACTURING INC., - FERRIS DIVISION WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 310747811, CITATION NUMBER 1, ITEM 2 AND WAS AFFIRMED AS A FINAL ORDER ON 6/11/07, WITH RESPECT TO A WORKPLACE LOCATED AT 5375 N. MAIN STREET, MUNNSVILLE, NY 13409.

Abatement documentation must be submitted for this item.

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| Date By Which Violation Must be Abated: | 12/19/2011 |
| Proposed Penalty: | \$ 15000.00 |



Citation and Notification of Penalty

Company Name: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
Inspection Site: 5375 N. Main Street, Munnsville, NY 13409

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

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

- a) **Model/Jig Shop, on or about 6/1/11: Rotating chuck on a Bridgeport milling machine, Serial #79292, was not guarded.**
- b) **Model/Jig Shop, on or about 6/1/11: Rotating spindle on a Walker Turner drill press was not guarded.**
- c) **Model/Jig Shop, on or about 6/1/11: Rotating nut projection and unused portion of sanding belt on a Baldor belt sander were not guarded.**
- d) **Model/Jig Shop, on or about 6/1/11: Rotating chuck on a Central Machinery drill press, Serial #030703004, was not guarded.**
- e) **Fabrication Dept., north end near milling machines, on or about 6/1/11: Rotating chuck on a Walker Turner drill press was not guarded.**

THE SIMPLICITY MANUFACTURING INC. - FERRIS DIVISION WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 310747811, CITATION NUMBER 1, ITEM NUMBER 3 AND WAS AFFIRMED AS A FINAL ORDER ON 6/11/07, WITH RESPECT TO A WORKPLACE LOCATED AT 5375 N. MAIN ST., MUNNSVILLE, NEW YORK.

Abatement documentation must be submitted for items a and b.

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| Date By Which Violation Must be Abated: | 12/19/2011 |
| Proposed Penalty: | \$ 20000.00 |



Citation and Notification of Penalty

Company Name: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC

Inspection Site: 5375 N. Main Street, Munnsville, NY 13409

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

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

- a) **Fabrication Dept., on or about 6/1/11: Point of operation on a Bendhor 30 bender, Serial #1.785, was not guarded.**
- b) **Fabrication Dept., on or about 6/1/11: Point of operation on a Bentec BT3000 hydraulic bender, Serial #1411, was not guarded.**
- c) **Fabrication Dept., on or about 6/1/11: Point of operation was not guarded on a Niagara roller in that the emergency stop was not functioning.**
- d) **Fabrication Dept., on or about 6/1/11: Point of operation on an air press next to the Niagara metal roller was not guarded.**
- e) **Sub Assembly, Station BL02, on or about 6/2/11: Point of operation was not guarded on two air presses for the ZTR front ends.**
- f) **Wire Dept., on or about 6/8/11: Point of operation on two Molex crimpers, Serial #4477 and 4499 were not guarded.**
- g) **Wire Dept., on or about 6/8/11: Point of operation on two Diamond Die & Mold Mfg. crimpers, Serial #6-02-08 and 6-3-07 were not adequately guarded.**
- h) **Wire Dept., on or about 6/8/11: Point of operation on an ATS Splicing Delphi Packard crimper was not adequately guarded.**
- i) **Hose Room, on or about 6/8/11: Point of operation on a Parker hose press was not guarded.**

THE SIMPLICITY MANUFACTURING INC., - FERRIS DIVISION WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 1, ITEM NUMBER 4 AND WAS AFFIRMED AS A FINAL ORDER ON 6/11/07,

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: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
Inspection Site: 5375 N. Main Street, Munnsville, NY 13409

WITH RESPECT TO A WORKPLACE LOCATED AT 5375 N. MAIN ST., MUNNSVILLE, NY 13409.

Abatement documentation must be submitted for these items.

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|--|--------------------|
| Date By Which Violation Must be Abated: | 12/19/2011 |
| Proposed Penalty: | \$ 25000.00 |

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: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
Inspection Site: 5375 N. Main Street, Munnsville, NY 13409

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

29 CFR 1910.304(g)(5): The path to ground from circuits, equipment, and enclosures was not permanent, continuous and effective:

- a) **Assembly, Blue Line BL01 work station, on or about 6/8/11: JC Aloha floor fan was not grounded in that the ground pin was missing from the plug end.**
- b) **Assembly, Green Line GL19 work station, on or about 6/8/11: Stanley portable bench fan was not grounded in that the ground pin was missing from the plug end.**
- c) **Assembly, Blue Line 01 work station, on or about 6/8/11: A Galaxy box fan was not grounded in that it had only a two wire cord.**
- d) **Assembly, Blue Line 33 work station, on or about 6/8/11: A Galaxy box fan was not grounded in that it had only a two wire cord.**

THE SIMPLICITY MANUFACTURING INC. - FERRIS DIVISION WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.304(f)(4), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 310747654, CITATION NUMBER 1, ITEM NUMBER 5 AND WAS AFFIRMED AS A FINAL ORDER ON 6/7/07, WITH RESPECT TO A WORKPLACE LOCATED AT 5375 N. MAIN ST., MUNNSVILLE, NEW YORK.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$ 15000.00**

Christopher R. Adams, CIH, CSP
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration
Syracuse Area Office
3300 Vickery Road
North Syracuse, NY 13212
Phone: (315)451-0808 FAX: (315)451-1351
OSHA Website Address: <http://www.osha.gov>



INVOICE/ DEBT COLLECTION NOTICE

Company Name: BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
Inspection Site: 5375 N. Main Street, Munnsville, NY 13409
Issuance Date: 11/16/2011

Summary of Penalties for Inspection Number 314352576

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|---------------------------------|------|------------------|
| Citation 1, Serious | = \$ | 30000.00 |
| Citation 2, Repeat | = \$ | 95000.00 |
| TOTAL PROPOSED PENALTIES | = \$ | 125000.00 |

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 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.

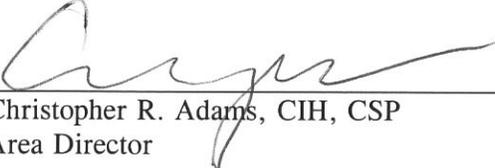
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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



Christopher R. Adams, CIH, CSP
Area Director



Date

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration
3300 Vickery Road
North Syracuse, New York 13212-4531
Telephone 315-451-0808
FAX (315) 451-1351
OSHA Website Address: <http://www.osha.gov>

(l)

11/16/11

BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
Philip Wenzel, VP Operations
5375 N. Main Street
Munnsville, NY 13409

Reference: Inspection # 314352576

Dear Mr. Wenzel:

In an effort to reduce the paperwork burden on employers, OSHA instituted the Abatement Verification Standard, 29 CFR 1903.19, in May of 1997. This standard allows the employer to provide a letter certifying, where indicated, that an item was corrected in lieu of providing copies of documents that verify abatement. The requirement for certification is indicated in the citation by the following language: **"Abatement certification must be submitted for this item."**

In some circumstances, documentation is required **in addition to** the certification letter. This documentation may include, for example, photographs, air sampling results, purchase orders, copies of cited programs. The requirement for documentation is indicated in the citation by the following language: **"Abatement documentation must be submitted for this item."**

These abatement responses must be prepared and received in this office by the date(s) indicated on the citation. Where the citation item reads, **"Corrected During Inspection,"** no further response is necessary.

Copies of any abatement certification and documentation submitted to OSHA must be posted for those employees who were exposed to the hazard. This posting must remain posted for **three working days** after submitting the letter to OSHA.

An optional abatement certification letter has been enclosed for your convenience. Please return the response to us at the above address or fax number for the following items:

Citation 1, Items 1, 3, 4, 5a, 7b

Citation 2, Items 2, 3, 4

If you have any questions, please contact *the Assistant Area Director, Mark Evans* at extension 3024.

Sincerely,



Christopher R. Adams, CIH, CSP
Area Director
Syracuse Area Office

encl.

ABATEMENT CERTIFICATION

BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC
5375 N. Main Street
Munnsville, NY 13409

Reference: Inspection # 314352576

In accordance with 29 CFR 1903.19, Abatement Verification, this document is being offered to certify that abatement has been accomplished for the citations noted below.

I certify that all employees and their representatives have been informed of the abatement action taken on these violations. Additionally, I attest that the information contained in this document is accurate.

Signature

Typed or Printed Name

Date

Citation #1, Item #1 was corrected on (date) _____ by (describe corrective
action): _____

_____.

Citation #1, Item #3 was corrected on (date) _____ by (describe corrective
action): _____

_____.

Abatement Certification Cont'd

Inspection # 314352576

**Citation #1, Item #4 was corrected on (date)_____ by (describe corrective
action):_____**

_____.

**Citation #1, Item #5a was corrected on (date)_____ by (describe corrective
action):_____**

_____.

**Citation #1, Item #7b was corrected on (date)_____ by (describe corrective
action):_____**

_____.

**Citation #2, Item #2 was corrected on (date)_____ by (describe corrective
action):_____**

_____.

**Citation #2, Item #3 was corrected on (date)_____ by (describe corrective
action):_____**

_____.

Abatement Certification Cont'd

Inspection # 314352576

Citation #2, Item #4 was corrected on (date) _____ **by (describe corrective**
action): _____

_____.