

**State of California
Department of Industrial Relations
Division of Occupational Safety and Health
Santa Ana District Office**

2000 E. McFadden Avenue, Suite 122
Santa Ana, CA 92705
Phone: (714) 558-4451 Fax: (714) 558-2035



CITATION AND NOTIFICATION OF PENALTY

To:
Tobin Steel Company, Inc.
and its successors
817 E. Santa Ana Blvd.
Santa Ana, CA 92701

Inspection #: 1289375
Inspection Date (s): 01/23/2018 - 05/17/2018
Issuance Date: 05/17/2018
CSHO ID: J2352
Optional Report #: 025-18
Reporting ID: 0950631

Inspection Site:
817 E. Santa Ana Blvd.
Santa Ana, CA 92701

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 (hereinafter Citation) is being issued in accordance with California Labor Code Sections 6317 and 6320 for violations that were found during the inspection/ investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

Informal Conference - You may request an informal conference with the manager of the district office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

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 agreement which resolves this matter without litigation or contest.

APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Telephone: (916) 274-5751 or (877) 252-1987
Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing. In addition, please send a copy of Page 1 of this Citation and Notification of Penalty, the cover sheet.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

Important: You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, at (916) 274-5751 or (877) 252-1987.

PENALTY PAYMENT OPTIONS

For general/regulatory violations, and for serious violations that have been abated, penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items described above that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

For serious violations that are not abated, if a signed statement of abatement (as described under "Notification of Corrective Action", below) is not timely received or if the statement does not demonstrate acceptable abatement, penalties will be due within 15 working days after the date the signed statement was due, unless contested.

For serious violations for which a signed statement of abatement demonstrating acceptable abatement is timely received, the payment due date will be described in a Modified Citation and Notification of Penalty that you will receive reflecting a 50% abatement credit.

If you are paying electronically, please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, inspection number, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to **www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html** to access the secure payment processing site. **Additionally, you must also mail the Penalty Remittance Form to the address below.**

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations
Cal/OSHA Penalties
P. O. Box 516547
Los Angeles, CA 90051-0595

CAL/OSHA does not agree to any restrictions, 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 general/regulatory violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the district office listed on the Citation by submitting the Cal/OSHA 160 form with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for general violations has already been reduced by 50% on the presumption that the employer will correct the violations by the abatement date. The adjusted penalty for serious violations that have been abated, if any, has already been reduced by 50% because abatement of those violations has been completed.

The adjusted penalty for serious violations that have not been abated will be reduced by 50% if the Division of Occupational Safety and Health receives from you within 10 working days following the abatement date a signed statement under penalty of perjury (Cal/OSHA form 161) and sufficient supporting evidence, when necessary to prove abatement, demonstrating abatement acceptable to the Division. If the Division does not receive the statement of abatement within 10 working days after the abatement date, the adjusted penalty will not be reduced by 50% - regardless of whether you appeal the serious citations.

Note: Return the Cal/OSHA 160/161 forms to the district office listed on the Citation and as shown below:

Division of Occupational Safety and Health
Santa Ana District Office
2000 E. McFadden Avenue, Suite 122
Santa Ana, CA 92705
Telephone: (714) 558-4451
Fax: (714) 558-2035

EMPLOYEE RIGHTS

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

Employee Appeals - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a district office of the Division.

Employees Participation in Informal Conference - Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY - Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

State of California

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Inspection #: 1289375
Inspection Dates: 01/23/2018 - 05/17/2018
Issuance Date: 05/17/2018
CSHO ID: J2352
Optional Report #: 025-18



Citation and Notification of Penalty

Company Name: Tobin Steel Company, Inc.
Establishment DBA:

and its successors

Inspection Site: 817 E. Santa Ana Blvd.
Santa Ana, CA 92701

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

California Code of Regulations, Title 8. 3203. Injury and Illness Prevention Program.

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards.

(6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard.

(7) Provide training and instruction

Prior to and during the course of the investigation, including, but not limited to, on January 4, 2018, the Employer failed to effectively implement and maintain their written Injury and Illness Prevention Program (IIPP), in that:

Instance 1: Employer failed to identify and evaluate workplace hazards, including scheduled periodic inspections of power operated presses to identify unsafe conditions and work practices performed by employees in accordance with the written procedures of their written Injury and Illness Prevention Program, which is essential to their overall program.

Instance 2: Employer failed to correct unsafe or unhealthy conditions (sticking foot pedal on a press brake) in a timely manner based on the severity of the hazard in accordance with the written procedures of their written Injury and Illness Prevention Program, which is essential to their overall program.

Instance 3: Employer failed to provide effective training and instruction to employees on inspecting,

maintaining and operation of power operated presses in accordance with the written procedures of their Injury and Illness Prevention Program, which is essential to their overall program.

Date By Which Violation Must be Abated:
Proposed Penalty:

June 21, 2018
\$410.00

State of California

Department of Industrial Relations
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Inspection #: 1289375
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Citation and Notification of Penalty

Company Name: Tobin Steel Company, Inc.
Establishment DBA:
and its successors
Inspection Site: 817 E. Santa Ana Blvd.
Santa Ana, CA 92701

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

California Code of Regulations, Title 8. 4202. Inspection, Maintenance and Modification of Power Operated Presses.

(a) The employer shall establish and follow a program of periodic and regular inspections of power operated presses to ensure that all parts, auxiliary equipment, and safeguards are in a safe operating condition and adjustment.

Prior to and during the course of the investigation, including but not limited to on, January 4, 2018, the Employer failed to establish and follow an effective program of periodic and regular inspections of power operated presses to ensure that all parts, auxiliary equipment, and safeguards on machines such as safety devices, guarding or controls are in a safe operating condition.

Date By Which Violation Must be Abated: June 21, 2018
Proposed Penalty: \$515.00

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Inspection #: 1289375
Inspection Dates: 01/23/2018 - 05/17/2018
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Citation and Notification of Penalty

Company Name: Tobin Steel Company, Inc.
Establishment DBA:
and its successors
Inspection Site: 817 E. Santa Ana Blvd.
Santa Ana, CA 92701

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

California Code of Regulations, Title 8 Section 4202. Inspection, Maintenance and Modification of Power Operated Presses.

(c) The employer shall maintain a certification record of inspections, tests, and maintenance work which includes the date of the inspection, test, or maintenance; the signature of the person who performed the inspection, test, or maintenance; and the serial number or other identifier of the press that was inspected, tested, or maintained.

Prior to and during the course of the investigation, including but not limited to on, January 4, 2018, the Employer failed to maintain a certification record of inspections, tests, and maintenance work which includes the date of the inspections, tests, or maintenance; signature of the person performing the inspections, tests, or maintenance; and the serial number or other identifier for power operated presses inspected, tested, or maintained for employees operating power operated presses.

Date By Which Violation Must be Abated: June 21, 2018
Proposed Penalty: \$515.00

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Citation and Notification of Penalty

Company Name: Tobin Steel Company, Inc.
Establishment DBA:
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Inspection Site: 817 E. Santa Ana Blvd.
Santa Ana, CA 92701

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

California Code of Regulations, Title 8 Section 4202. Inspection, Maintenance and Modification of Power Operated Presses.

(d) Any person who modifies a power operated press shall furnish instructions with the modifications to establish new or changed guidelines for use and care of the modified power operated press.

Prior to and during the course of the investigation, including, but not limited to, on January 4, 2018, the Employer failed to furnish instructions with the modifications to establish new or changed guidelines for use and care of the Chicago Steel Press Brake.

Date By Which Violation Must be Abated: June 21, 2018
Proposed Penalty: \$305.00

State of California

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Inspection #: 1289375
Inspection Dates: 01/23/2018 - 05/17/2018
Issuance Date: 05/17/2018
CSHO ID: J2352
Optional Report #: 025-18



Citation and Notification of Penalty

Company Name: Tobin Steel Company, Inc.
Establishment DBA: and its successors
Inspection Site: 817 E. Santa Ana Blvd.
Santa Ana, CA 92701

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

California Code of Regulations, Title 8 Section 4202. Inspection, Maintenance and Modification of Power Operated Presses.

(b) A functional performance check shall be conducted at least once a week to determine the safe operating condition of the clutch/brake mechanism, anti-repeat feature and single stroke control. Necessary maintenance or repair or both shall be performed and completed before the press is operated. These requirements do not apply to those presses which comply with Sections 4200(b) and 4193(o).

Prior to and during the course of the investigation, including but not limited to on, January 4, 2018, the Employer failed to perform functional performance checks at least once a week to determine the safe operating condition of the clutch/brake mechanisms, anti-repeat feature and single stroke control for employees' safe operation of power operated presses.

Date By Which Violation Must be Abated: **May 29, 2018**
Proposed Penalty: **\$12375.00**

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Citation and Notification of Penalty

Company Name: Tobin Steel Company, Inc.
Establishment DBA:
and its successors
Inspection Site: 817 E. Santa Ana Blvd.
Santa Ana, CA 92701

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

California Code of Regulations, Title 8 Section 4203. Training

(b) The employer shall train and instruct the operator in the safe method of work before starting work on any operation covered by this section. The employer shall ensure by adequate supervision that correct operating procedures are being followed.

Prior to and during the course of the investigation, including, but not limited to, on January 4, 2018, the Employer failed to effectively train and instruct operators of press brakes (Chicago, Amada & Accurpress) in the safe method of work before starting work on operations covered by this section.

Date By Which Violation Must be Abated: May 29, 2018
Proposed Penalty: \$12375.00

State of California

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Inspection #: 1289375
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Citation and Notification of Penalty

Company Name: Tobin Steel Company, Inc.
Establishment DBA: and its successors
Inspection Site: 817 E. Santa Ana Blvd.
Santa Ana, CA 92701

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

California Code of Regulations, Title 8, 4214. Press Brakes Mechanically or Hydraulically Powered.

(a) Press brakes, mechanically or hydraulically powered, shall be guarded in a manner that will accomplish the following:

- (1) Restrain the operator(s) from inadvertently reaching into the point of operation, or
- (2) Inhibit machine operation if the operator's hand or hands are inadvertently within or placed within the point of operation, or
- (3) Automatically withdraw the operator's hands if they are inadvertently within the point of operation.

Prior to and during the course of the investigation, including but not limited to, on January 4, 2018, the Employer failed to ensure that the press brake machine was guarded in a manner that would restrain the operator from inadvertently reaching into the point of operation; inhibit machine operation if the operator's hand or hands were inadvertently within or placed within the point of operation; or automatically withdraw the operator's hands if they were inadvertently within the point of operation as outlined within Subsections (a). As a result, on or about January 4, 2018, an employee sustained a serious injury (amputation) while operating a press brake machine.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$21600.00

Richard Fazlollahi
Compliance Officer / District Manager

State of California
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Division of Occupational Safety and Health
Santa Ana District Office
2000 E. McFadden Avenue, Suite 122
Santa Ana, CA 92705
Phone: (714) 558-4451 Fax: (714) 558-2035



NOTICE OF PROPOSED PENALTIES

Company Name: Tobin Steel Company, Inc.
Establishment DBA: and its successors
Inspection Site: 817 E. Santa Ana Blvd., Santa Ana, CA 92701
Mailing Address: 817 E. Santa Ana Blvd., Santa Ana, CA 92701
Issuance Date: 05/17/2018
Reporting ID: 0950631
CSHO ID: J2352

Summary of Penalties for Inspection Number 1289375

Citation 1 Item 1, General	\$410.00
Citation 1 Item 2, General	\$515.00
Citation 1 Item 3, General	\$515.00
Citation 1 Item 4, General	\$305.00
Citation 2 Item 1, Serious	\$12375.00
Citation 3 Item 1, Serious	\$12375.00
Citation 4 Item 1, Serious	\$21600.00
TOTAL PROPOSED PENALTIES:	\$48095.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html to access the secure payment processing site. **Additionally, you must also mail the Penalty Remittance Form to the address below.**

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS
CAL/OSHA PENALTIES
P. O. BOX 516547
LOS ANGELES, CA 90051-0595**

Cal/OSHA does not agree to any restrictions, 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.

**DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH – CAL/OSHA
Accounting Office - Cashiering Unit
Phone (415) 703-4310 or (415) 703-4308**

PENALTY REMITTANCE FORM

CIVIL PENALTY INFO	INSPECTION NO.: 1289375	REPORTING ID: 0950631
COMPANY NAME:	Tobin Steel Company, Inc.	FEIN/SEIN: UNKNOWN
ESTABLISHMENT DBA:		
CONTACT PERSON:	Linda Tobin	
PHONE NO.:	UNKNOWN	FAX NO.: UNKNOWN
SITE ADDRESS:	817 E. Santa Ana Blvd., Santa Ana, CA 92701	
MAILING ADDRESS:	817 E. Santa Ana Blvd., Santa Ana, CA 92701	

CITATION INFORMATION:

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this Citation, remittance is still due on all items that are not appealed.

PAYMENT INSTRUCTIONS:

For check or money order: please make check or money order payable to Department of Industrial Relations. Write the inspection number and total amount enclosed on the payment coupon below and on the check or money order.
For credit card or EFT payment, go to: www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html

----- Detach here and return bottom portion with check or money order payment -----

PAYMENT COUPON



Inspection No.: 1289375

Amount Enclosed: \$ _____

Mail payment to:

DEPARTMENT OF INDUSTRIAL RELATIONS
CAL/OSHA PENALTIES
P.O. BOX 516547
LOS ANGELES, CA 90051-0595

For credit card or EFT payment, go to:
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