

U.S. Department of Labor
Occupational Safety and Health Administration
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203
Phone: 414-297-3315 Fax: 414-297-4299



Citation and Notification of Penalty

To:
Cooper Power Systems, LLC
and its successors
2800 9th Ave.
South Milwaukee, WI 53172

Inspection Number: 945558
Inspection Date(s): 11/01/2013 - 04/22/2014
Issuance Date: 04/23/2014

Inspection Site:
2800 9th Ave.
South Milwaukee, WI 53172

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 either call to schedule an informal conference (see paragraph below) or** 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. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions 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 04/23/2014. The conference will be held by telephone or at the OSHA office located at 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 945558

Company Name: Cooper Power Systems, LLC
Inspection Site: 2800 9th Ave., South Milwaukee, WI 53172
Issuance Date: 04/23/2014

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, 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203**

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



Citation and Notification of Penalty

Company Name: Cooper Power Systems, LLC
Inspection Site: 2800 9th Ave., South Milwaukee, WI 53172

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

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

29 CFR 1910.120(q)(1): The employer did not develop and implement an emergency response plan to handle anticipated emergencies prior to commencement of emergency response operations:

- a) On or about October 30, 2013 the emergency response plan was not implemented when employees responded and cleaned up a phosphoric/sulfuric acid spill in the Monel EP area.
- b) On or about October 30, 2013 the emergency response plan was not made available to employees who responded and cleaned up a phosphoric/sulfuric acid spill in the Monel EP area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/29/2014
Proposed Penalty: \$7000.00

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

Inspection Number: 945558
Inspection Date(s): 11/01/2013 - 04/22/2014
Issuance Date: 04/23/2014



Citation and Notification of Penalty

Company Name: Cooper Power Systems, LLC
Inspection Site: 2800 9th Ave., South Milwaukee, WI 53172

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

29 CFR 1910.120(q)(2)(ii): The emergency response plan did not address, to the extent not addressed elsewhere, personnel roles, lines of authority, and communication:

- a) The Emergency Response and Contingency Plan did not address the roles of the First Response Team members and how to maintain a line of authority during a chemical spill response.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/29/2014

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: Cooper Power Systems, LLC
Inspection Site: 2800 9th Ave., South Milwaukee, WI 53172

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

29 CFR 1910.120(q)(2)(vii): The emergency response plan did not address, to the extent not addressed elsewhere, decontamination:

- a) On or about October 30, 2013, employees immediately returned to work with contaminated clothing after responding and cleaning up a phosphoric/sulfuric acid spill, exposing them to chemical acid burns to the skin. The Emergency Response and Contingency Plan did not address decontamination of employees or equipment following response to a chemical spill.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/29/2014



Citation and Notification of Penalty

Company Name: Cooper Power Systems, LLC
Inspection Site: 2800 9th Ave., South Milwaukee, WI 53172

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

29 CFR 1910.120(q)(2)(viii): The emergency response plan did not address, to the extent not addressed elsewhere, emergency medical treatment and first aid:

- a) On or about October 30, 2013, four First Response Team employees sought their own medical treatment after responding and cleaning up a phosphoric/sulfuric acid spill that occurred in the Monel EP area. The Emergency Response and Contingency Plan did not address the emergency medical treatment and first aid for members of the First Response Team with injuries from the chemical spill response.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/29/2014



Citation and Notification of Penalty

Company Name: Cooper Power Systems, LLC
Inspection Site: 2800 9th Ave., South Milwaukee, WI 53172

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

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

29 CFR 1910.120(q)(3)(iv): Employees engaged in emergency response and exposed to hazardous substances presenting an inhalation hazard or potential inhalation hazard, did not wear positive-pressure self-contained breathing apparatus until such time that the individual in charge of the incident command system determined through the use of air monitoring that a decreased level of respiratory protection would not result in hazardous exposures to employees:

- a) On or about October 30, 2013, employees responded to and cleaned up a phosphoric/sulfuric acid spill that occurred in the Monel EP area. The employer did not evaluate or perform any site characterization prior to, during or after the incident. Self-contained breathing apparatus (SCBA) respirators were not available or provided for employee use.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/29/2014
Proposed Penalty: \$7000.00



Citation and Notification of Penalty

Company Name: Cooper Power Systems, LLC
Inspection Site: 2800 9th Ave., South Milwaukee, WI 53172

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

29 CFR 1910.134(d)(1)(iii): When the employer was unable to identify or reasonably estimate the employee exposure, the employer did not consider the atmosphere to be IDLH:

- a) On or about October 30, 2013 employees responded and cleaned up a phosphoric/sulfuric acid spill that occurred in the Monel EP area. No evaluation or monitoring of respiratory hazards was performed and the company did not consider the area to be immediately dangerous to life or health (IDLH).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/29/2014



Citation and Notification of Penalty

Company Name: Cooper Power Systems, LLC
Inspection Site: 2800 9th Ave., South Milwaukee, WI 53172

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

29 CFR 1910.120(q)(3)(v): The individual in charge of the ICS did not limit the number of emergency response personnel at the emergency site, in those areas of potential or actual exposure to incident or site hazards, to those who were actively performing emergency operations:

- a) On or about October 30, 2013, the First Response Team responded to and cleaned up a phosphoric/sulfuric acid spill in the Monel EP area. The incident commander did not prevent any employees in the area from assisting with the cleanup.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/29/2014
\$5000.00



Citation and Notification of Penalty

Company Name: Cooper Power Systems, LLC
Inspection Site: 2800 9th Ave., South Milwaukee, WI 53172

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

29 CFR 1910.120(q)(3)(ix): After emergency operations had terminated, the individual in charge of the incident command system did not implement appropriate decontamination procedures:

- a) On or about October 30, 2013, no decontamination procedures were performed for First Response Team employees that responded and cleaned up a phosphoric/sulfuric acid spill that occurred in the Monel EP area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2014
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Cooper Power Systems, LLC
Inspection Site: 2800 9th Ave., South Milwaukee, WI 53172

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

29 CFR 1910.120(q)(3)(iii): Based on the hazardous substances and/or conditions present, the individual in charge of the ICS did not implement appropriate emergency operations and did not ensure that the personal protective equipment worn was appropriate for the hazards encountered:

- a) On or about October 30, 2013, employees responded and cleaned up a phosphoric/sulfuric acid spill in the Monel EP area. The incident commander in charge did not evaluate conditions and provide employees responding with personal protective equipment such as, but not limited to respiratory protection or acid resistant clothing.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2014
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Cooper Power Systems, LLC
Inspection Site: 2800 9th Ave., South Milwaukee, WI 53172

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

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

29 CFR 1910.120(q)(6)(ii): First responders at the operational level did not receive at least eight hours of training or did not have sufficient experience to objectively demonstrate competency in the areas required by 29 CFR 1910.120(q)(6)(ii)(A) through (q)(6)(ii)(F) and/or the employer did not so certify:

- a) On or about October 30, 2013, employees responded and cleaned up a phosphoric/sulfuric acid spill in the Monel EP area by placing absorbing socks and pads to prevent spreading of the spill. These employees were not provided with at least eight hours of training.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/29/2014
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Cooper Power Systems, LLC
Inspection Site: 2800 9th Ave., South Milwaukee, WI 53172

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

29 CFR 1910.120(q)(6)(iii): Employees who participated as hazardous materials technicians, or were expected to participate as hazardous materials technicians, had not received at least 24 hours of training equal to the first responder operations level, and in addition have competency in the areas outlined in 29 CFR 1910.120(q)(6)(iii)(A) through (q)(6)(iii)(I) and/or the employer did not so certify:

- a) On or about October 30, 2013, employees responded and cleaned up a phosphoric/sulfuric acid spill in the Monel EP area. Employees did not have an understanding of the proper response actions, chemical hazards involved or proper protective equipment required to prevent injuries from the acid. Employees were not provided with at least 24 hours of training.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/29/2014



Citation and Notification of Penalty

Company Name: Cooper Power Systems, LLC
Inspection Site: 2800 9th Ave., South Milwaukee, WI 53172

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

29 CFR 1910.120(q)(6)(v): Incident commanders did not receive at least 24 hours of training equal to the first responder operations level and in addition have competency in the areas outline in 29 CFR 1910.120(q)(6)(v)(A) through (q)(6)(v)(F) and/or the employer did not so certify:

- a) On or about October 30, 2013 employees responded and cleaned up a phosphoric/sulfuric acid spill in the Monel EP area. The incident commander did not perform an evaluation of the spill, implement an incident command system or implement the company emergency response plan. The incident commander was not provided with at least 24 hours of training.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/29/2014


Christine Zortman
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203
Phone: 414-297-3315 Fax: 414-297-4299



INVOICE / DEBT COLLECTION NOTICE

Company Name: Cooper Power Systems, LLC
Inspection Site: 2800 9th Ave., South Milwaukee, WI 53172
Issuance Date: 04/23/2014

Summary of Penalties for Inspection Number	945558
Citation 1, Serious	\$26000.00
Citation 2, Willful	\$140000.00
TOTAL PROPOSED PENALTIES	\$166000.00

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. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment 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.



Christine Zortman
Area Director



Date