

## ATTENTION

DATE CITATIONS RECEIVED: \_\_\_\_\_ \*15-WORKING DAYS: \_\_\_\_\_

**DIRECT THIS CORRESPONDENCE TO THE APPROPRIATE OFFICIAL**

YOU, AS THE EMPLOYER, HAVE 15-WORKING DAYS\* FROM RECEIPT OF CITATION AT YOUR ESTABLISHMENT FOR ACTION OF ONE OF THE FOLLOWING:

**1) ACCEPT THE ENCLOSED CITATIONS AS WRITTEN**

- a) Send corrective action by letter or the enclosed certification form, with documentation, if required, by abatement dates set forth.
- b) Pay penalty by the 15<sup>th</sup> working day.

**2) PARTICIPATE IN AN INFORMAL CONFERENCE TO DISCUSS CITATION ITEM(S) PENALTY(IES) AND/OR ABATEMENT DATE(S)**

To schedule an Informal Conference, please call the OSHA office at 1-316-269-6644 or 1-800-362-2896 (Kansas only). An Informal Conference must be conducted within the 15-working day contest period.

**3) CONTEST ANY OR ALL OF THE CITATION**

Must be submitted in writing and clearly state what is being contested, i.e., the citation item(s), penalty(ies), abatement date(s) or any combination of these factors.

THE ENCLOSED CITATION AND OSHA-3000 EMPLOYER RIGHTS AND RESPONSIBILITIES FOLLOWING AN OSHA INSPECTION BOOKLET EXPLAIN THE ABOVE IN MORE DETAIL.

\*The 15-working-day period is calculated from the day the citation was received by the employer, excluding weekends and federal holidays.

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

Suite 400  
271 W. Third St. N.  
Wichita, KS 67202  
Phone: (316)269-6644 FAX: (316)269-6185  
Kansas Toll Free 1-800-362-2896



## Citation and Notification of Penalty

**To:**  
Formation Plastics Inc.  
and its successors  
101 Sunset Drive  
Quinter, KS 67752

**Inspection Number:** 315087502  
**Inspection Date(s):** 05/06/2011- 05/12/2011  
**Issuance Date:** 10/24/2011

**Inspection Site:**  
101 Sunset Drive  
Quinter, KS 67752

*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 by calling the Wichita Area office at (316) 269-6644 or toll free in Kansas 1-800-362-2896 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 "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.

**EMPLOYEES -- YOU HAVE A VOICE IN THE WORKPLACE** - THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 affords workers the right to a safe workplace. OSHA requires employers to provide a workplace that is free of serious recognized hazards and in compliance with OSHA standards. Workers have the right to FILE A COMPLAINT WITH OSHA if they believe that there are either violations of OSHA standards or serious workplace hazards. Contact the OSHA Area office nearest you or contact our toll free number: 1-800-321-OSHA (6742)... TTY 1-877-889-5627. To file a complaint online or obtain information on your rights in the workplace, visit OSHA's website at [www.osha.gov](http://www.osha.gov).

**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 the citation, but not sooner than 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [www.osha.gov](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 10/24/2011. The conference will be held at the OSHA office located at Suite 400, 271 W. Third St. N., Wichita, KS, 67202 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



## ABATEMENT CERTIFICATION

Judy A. Freeman, Area Director  
U.S. Department of Labor - OSHA  
Suite 400  
271 W. Third St. N.  
Wichita, KS 67202  
Phone: (316)269-6644

Formation Plastics Inc.  
101 Sunset Drive  
Quinter, KS 67752

RE: 315087502

The hazard referenced for the violation identified as Citation \_\_\_\_ Item \_\_\_\_ was corrected on (date) \_\_\_\_\_  
(how item was corrected) \_\_\_\_\_.

The hazard referenced for the violation identified as Citation \_\_\_\_ Item \_\_\_\_ was corrected on (date) \_\_\_\_\_  
(how item was corrected) \_\_\_\_\_.

The hazard referenced for the violation identified as Citation \_\_\_\_ Item \_\_\_\_ was corrected on (date) \_\_\_\_\_  
(how item was corrected) \_\_\_\_\_.

The hazard referenced for the violation identified as Citation \_\_\_\_ Item \_\_\_\_ was corrected on (date) \_\_\_\_\_  
(how item was corrected) \_\_\_\_\_.

I attest that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement activities described in this certification.

\_\_\_\_\_  
Signature

**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 for not more than six months or both.

**POSTING:** A copy of the completed Corrective Action Worksheet should be posted for employee review.



**Citation and Notification of Penalty**

**Company Name:** Formation Plastics Inc.  
**Inspection Site:** 101 Sunset Drive, Quinter, KS 67752

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

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):

Employees engaged in production activities at the Parker 2MA pneumatic punch press, known as "punch press A", s/n EE296482 A, located in the main shop on aisle B, were exposed to caught-between hazards in that point of operation guarding was not provided.

**29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.**

Date By Which Violation Must be Abated:	11/17/2011
Proposed Penalty:	\$ 7000.00

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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:** Formation Plastics Inc.  
**Inspection Site:** 101 Sunset Drive, Quinter, KS 67752

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

Employees engaged in maintenance activities to include press cleaning activities at the following pieces of equipment were exposed to caught-between and struck-by hazards in that a machine specific energy control procedure had not been developed or implemented:

- a) The four station pressure former, also known as the "Former D"
- b) The double-ended pressure former, also known as the "Former C"
- c) The design built pressure former known as the "Former B"
- d) The design built pressure former known as the "Former A"

**29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.**

Date By Which Violation Must be Abated:	11/17/2011
Proposed Penalty:	\$ 70000.00



**Citation and Notification of Penalty**

**Company Name:** Formation Plastics Inc.  
**Inspection Site:** 101 Sunset Drive, Quinter, KS 67752

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

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure: 1) that the purpose and function of the energy control program was understood by the employees and 2) that the knowledge and skills required for the safe application, usage and removal of the energy controls was acquired by the employees:

Employees engaged in maintenance activities to include press cleaning activities at the following pieces of equipment were exposed to caught-between and struck-by hazards in that effective lockout tagout training had not been provided to include authorized employees:

- a) The four station pressure former, also known as the "Former D"
- b) The double-ended pressure former, also known as the "Former C"
- c) The design built pressure former known as the "Former B"
- d) The design built pressure former known as the "Former A"

**29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.**

Date By Which Violation Must be Abated:	11/17/2011
Proposed Penalty:	\$ 70000.00



**Citation and Notification of Penalty**

Company Name: Formation Plastics Inc.  
Inspection Site: 101 Sunset Drive, Quinter, KS 67752

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

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

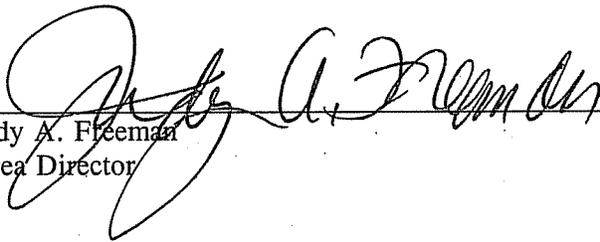
On or about May 6, 2011, an employee engaged in work-around activities at the Double Ended Pressure Former, model #MB-4860A, located in the main shop, was exposed to caught-between hazards in that effective machine guarding was not provided.

Additionally, employees engaged in production activities at the following pieces of equipment were exposed to caught-between hazards in that machine guarding was not provided:

- a) The four station pressure former, also known as the "Former D"
- b) The design built pressure former known as the "Former B"
- c) The design built pressure former known as the "Former A"

**29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.**

Date By Which Violation Must be Abated:	11/17/2011
Proposed Penalty:	\$ 70000.00

  
\_\_\_\_\_  
Judy A. Freeman  
Area Director

# U.S. Department of Labor

Occupational Safety and Health Administration

Suite 400

271 W. Third St. N.

Wichita, KS 67202

Phone: (316)269-6644 FAX: (316)269-6185

Kansas Toll Free 1-800-362-2896



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Formation Plastics Inc.  
**Inspection Site:** 101 Sunset Drive, Quinter, KS 67752  
**Issuance Date:** 10/24/2011

### Summary of Penalties for Inspection Number 315087502

<b>Citation 1, Serious</b>	= \$	<b>7000.00</b>
<b>Citation 2, Willful</b>	= \$	<b>21000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>217000.00</b>

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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 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 two 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 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.

  
Judy A. Freeman  
Area Director

10.24.2011  
Date

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Citation and Notification of Penalty.

If the hazards itemized on this citation(s) are not abated/corrected and a follow-up inspection is conducted, your establishment may receive a Failure to Abate Citation for the uncorrected hazards with subsequent additional monetary penalties of up to thirty (30) times the original penalty amount of the uncorrected hazards.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the Citation(s).