

U.S. Department of Labor
Occupational Safety and Health Administration
53 Pleasant Street, Room 3901
J.C. Cleveland Federal Bldg.
Concord, NH 03301
Phone: 603-225-1629 Fax: 603-225-1580



Citation and Notification of Penalty

To:
Franklin Non-Ferrous Foundry, Inc.
and its successors
P. O. Box 35
Franklin, NH 03235

Inspection Number: 111399
Inspection Date(s): 01/19/2012 - 05/08/2012
Issuance Date: 07/17/2012

Inspection Site:
293 Sanborn Street
Franklin, NH 03235



This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

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

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action – For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an *abatement certification* to the Area Director of the OSHA office issuing the citation as 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 citation 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.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 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.

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 07/17/2012. The conference will be held at the OSHA office located at 53 Pleasant Street, Concord, NH 03301 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 111399

Company Name: Franklin Non-Ferrous Foundry, Inc.
Inspection Site: 293 Sanborn Street, Franklin, NH 03235
Issuance Date: 07/17/2012

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, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

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

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666.(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

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

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

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Citation and Notification of Penalty

Company Name: Franklin Non-Ferrous Foundry, Inc.
Inspection Site: 293 Sanborn Street, Franklin, NH 03235

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 1a Type of Violation: **Serious**

29 CFR 1910.1000(a)(2): Employee(s) were exposed to an airborne concentration of copper fume (a substance in Table Z-1) in excess of the 8 hour Time Weighted Average concentration of 0.1 milligrams per cubic meter (100 micrograms per cubic meter):

- a. Franklin Nonferrous Foundry – On February 7, 2012, an employees was exposed to airborne copper fume at a concentration of 219 micrograms per cubic meter averaged over an eight-hour period, during pouring activities, approximately 2.19 times the permissible exposure limit (PEL) of 100 micrograms per cubic meter. Overexposure to copper fume can cause acute lung damage/edema and metal fume fever.

Date by which Violation must be Abated:
Proposed Penalty:

08/29/2012
\$4400.00



Citation and Notification of Penalty

Company Name: Franklin Non-Ferrous Foundry, Inc.
Inspection Site: 293 Sanborn Street, Franklin, NH 03235

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

29 CFR 1910.1000(e): Feasible administrative or engineering controls were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

- a. Franklin Nonferrous Foundry – As of February 7, 2012, effective engineering controls were not implemented and/or maintained to prevent employee exposures above the applicable permissible exposure limit (PEL) of 100 micrograms per cubic meter. On February 7, 2012, an employee was exposed to airborne copper fume at a concentration of 219 micrograms per cubic meter averaged over an eight-hour period, during pouring activities, approximately 2.19 times the permissible exposure limit (PEL). Overexposure to copper fume can cause acute lung damage/edema and metal fume fever. Administrative or engineering controls were not adequate to reduce the employee exposure to copper fume below the permissible exposure limit.

Date by which Violation must be Abated:

08/29/2012



Citation and Notification of Penalty

Company Name: Franklin Non-Ferrous Foundry, Inc.
Inspection Site: 293 Sanborn Street, Franklin, NH 03235

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 1a Type of Violation: **Willful - Serious**

29 CFR 1910.1025(c)(1): The employer does not ensure that employees are not exposed to lead at concentrations greater than fifty micrograms per cubic meter of air averaged over an eight-hour period. Two instances of this violation were observed most recently on February 7, 2012, when employees were working with metal alloys containing up to 1.7% lead:

- a. Franklin Nonferrous Foundry - On February 7, 2012, an employee was exposed to airborne lead at a concentration of 84.8 micrograms per cubic meter averaged over an eight-hour period, during pouring activities and finishing activities, approximately 1.7 times the permissible exposure limit (PEL) of 50 micrograms per cubic meter. Overexposure to lead can cause permanent kidney, blood, and reproductive damage.
- b. Franklin Nonferrous Foundry - On February 7, 2012, an employee was exposed to airborne lead at a concentration of 66.4 micrograms per cubic meter averaged over an eight-hour period, during melting, wheel-a-brator, and foreman activities, approximately 1.3 times the permissible exposure limit (PEL) of 50 micrograms per cubic meter. Overexposure to lead can cause permanent kidney, blood, and reproductive damage.

Prior violations include:

(1) A violation of this Occupational Safety and Health Standard which was contained in OSHA Inspection Number 302543269, Citation Number 1, Item Number 2a, issued on October 29, 2001, with respect to a workplace located at 293 Sanborn St., Franklin, NH.

(2) A violation of this Occupational Safety and Health Standard which was contained in OSHA Inspection Number 304559057, Citation Number 3, Item Number 1a, issued on July 2, 2003, with respect to a workplace located at 293 Sanborn St., Franklin, NH.

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

Inspection Number: 111399
Inspection Date(s): 01/19/2012 - 05/08/2012
Issuance Date: 07/17/2012



Citation and Notification of Penalty

Company Name: Franklin Non-Ferrous Foundry, Inc.
Inspection Site: 293 Sanborn Street, Franklin, NH 03235

(3) A violation of this Occupational Safety and Health Standard which was contained in OSHA Inspection Number 306952052, Citation Number 2, Item Number 4, issued on March 14, 2006, with respect to a workplace located at 293 Sanborn St., Franklin, NH.

To abate this violation, the employer must ensure that its employees are not exposed to lead at concentrations greater than fifty micrograms per cubic meter of air average over an eight-hour period. Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance immediately upon receipt of the citation, including an explanation of how these steps protect its employees from overexposures to lead.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:	07/19/2012
Proposed Penalty:	\$60500.00



Citation and Notification of Penalty

Company Name: Franklin Non-Ferrous Foundry, Inc.
Inspection Site: 293 Sanborn Street, Franklin, NH 03235

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

29 CFR 1910.1025(e)(1)(i): The employer does not implement engineering and work practice controls (including administrative controls) for any employees exposed to lead above the permissible exposure limit for more than 30 days per year so as to reduce and maintain employee exposure to lead in accordance with the schedule in Table I of this paragraph. The most recent violation occurred on February 7, 2012, where engineering controls were in disrepair and/or were not being used:

- a. Franklin Nonferrous Foundry - As of February 7, 2012, the employer had failed to use and/or maintain the effectiveness of the ventilation systems to reduce the employee exposures to lead to 75 micrograms/cubic meter or below as given in Table 1 for small nonferrous foundries. Deficiencies were noted, such as but not limited to:
 1. The duct from the traveling hood was ripped and not repaired.
 2. The fresh air in-take system was not working.
 3. The ventilation for the furnace was not being used.
 4. Some molds on the pouring line were placed beyond the effective range of the slot hood ventilation.

On February 7, 2012, an employee was exposed to airborne lead at a concentration of 84.8 micrograms per cubic meter averaged over an eight-hour period, during pouring activities and finishing activities, approximately 1.7 times the permissible exposure limit (PEL) of 50 micrograms per cubic meter. Overexposure to lead can cause permanent kidney, blood, and reproductive damage.

Prior violations include:

(1) A violation of this Occupational Safety and Health Standard which was contained in OSHA Inspection Number 300448487, Citation Number 1, Item Number 4b, issued on May 5, 1999, with respect to a workplace located at 293 Sanborn St., Franklin, NH.

(2) A violation of this Occupational Safety and Health Standard which was contained in OSHA Inspection Number 302543269, Citation Number 1, Item Number 2b issued on October 29, 2001, with respect to a workplace located at 293 Sanborn St., Franklin, NH.

(continued on next page)

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

Inspection Number: 111399
Inspection Date(s): 01/19/2012 - 05/08/2012
Issuance Date: 07/17/2012



Citation and Notification of Penalty

Company Name: Franklin Non-Ferrous Foundry, Inc.
Inspection Site: 293 Sanborn Street, Franklin, NH 03235

(3) A violation of this Occupational Safety and Health Standard which was contained in OSHA Inspection Number 304559057, Citation Number 3, Item Number 1b, issued on July 2, 2003, with respect to a workplace located at 293 Sanborn St., Franklin, NH.

(4) A violation of this Occupational Safety and Health Standard which was contained in OSHA Inspection Number 306952052, Citation Number 2, Item Number 6b, issued on March 14, 2006, with respect to a workplace located at 293 Sanborn St., Franklin, NH.

To abate this violation, the employer must ensure that it implements engineering and work practice controls (including administrative controls), for any employees exposed to lead above the permissible exposure limit for more than 30 days per year so as to reduce and maintain employee exposure to lead in accordance with the schedule in Table I of this paragraph. Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance immediately upon receipt of the citation, including an explanation of how engineering and work practice controls (including administrative controls) are implemented to protect its employees from overexposures to lead.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:

07/19/2012



Citation and Notification of Penalty

Company Name: Franklin Non-Ferrous Foundry, Inc.
Inspection Site: 293 Sanborn Street, Franklin, NH 03235

Citation 2 Item 1c Type of Violation: **Willful - Serious**

29 CFR 1910.1025(e)(4)(i): The employer does not take measurements every three months of the ventilation systems used to control exposure to lead so as to demonstrate the effectiveness of the system in controlling exposures. The most recent violation of this was observed on February 7, 2012. During the inspection, the employer stated he had not taken ventilation system measurements for years.

- a. Franklin Nonferrous Foundry - As of February 7, 2012, the employer had not taken quarterly ventilation measurements as required. There were several problems with the ventilation system that would have reduced its efficiency and contributed to employee exposures. OSHA personal sampling on February 7, 2012, showed that two workers were exposed to lead above the permissible exposure limit (PEL) of 50 micrograms per cubic meter.

Prior violation includes:

(1) A violation of this Occupational Safety and Health Standard which was contained in OSHA Inspection Number 306952052, Citation Number 2, Item 6b, issued on March 14, 2006, with respect to a workplace located at 293 Sanborn St., Franklin, NH.

To abate this violation, the employer must ensure that it takes measurements every three months of the ventilation systems used to control exposure to lead so as to demonstrate the effectiveness of the system in controlling exposures.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance immediately upon receipt of the citation, including an explanation of how ventilation measurements will be taken to ensure that ventilation system(s) are operating properly to ensure its employees are not overexposed to lead.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:

07/19/2012



Citation and Notification of Penalty

Company Name: Franklin Non-Ferrous Foundry, Inc.
Inspection Site: 293 Sanborn Street, Franklin, NH 03235

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

29 CFR 1910.1025(d)(7): The employer does not conduct additional lead exposure monitoring of its employees when there was a change in production, process, control or personnel, or any other reason to suspect a change that may have resulted in new or additional exposure to lead. Two instances of this violation were observed on February 7, 2012 where additional monitoring was not conducted:

- a. Franklin Nonferrous Foundry - As of February 7, 2012, the employer had not conducted additional monitoring after there was significant change to the operation of the ventilation system. The rip in the duct for the traveling hood, the failure of the make-up air system, and the frequent non-use of the ring ventilation all contributed to a change in control, which would have resulted in additional exposure to lead. These conditions were allowed to continue for over a year.
- b. Franklin Nonferrous Foundry - As of February 7, 2012, the employer had not conducted additional exposure monitoring when higher lead alloys were used, such as but not limited to C83450 (1.66-1.78% lead) and/or 245 (1.29-1.53% lead). These alloys contained between 24 and 71 times the amount of lead as that in the alloys which were sampled by the employer. On February 7, 2012, OSHA exposure sampling determined that the permissible exposure limit (PEL) of 50 micrograms per cubic meter was exceeded when C83450 was used. Overexposure to lead can cause permanent kidney, blood, and reproductive damage.

Prior violation includes:

(1) A violation of this Occupational Safety and Health Standard which was contained in OSHA Inspection Number 302543269, Citation Number 3, Item Number 3, issued on October 29, 2001, with respect to a workplace located at 293 Sanborn St., Franklin NH.

To abate this violation, the employer must ensure that it performs additional exposure monitoring whenever there is a change in production, process, control or personnel, or any other reason to suspect a change that may have resulted in new or additional exposure to lead. Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance immediately upon receipt of the citation, including an explanation of how these steps protect its employees from overexposures to lead.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM



Citation and Notification of Penalty

Company Name: Franklin Non-Ferrous Foundry, Inc.
Inspection Site: 293 Sanborn Street, Franklin, NH 03235

Date by which Violation must be Abated: 07/19/2012
Proposed Penalty: \$60500.00

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

29 CFR 1910.1025(f)(1)(ii): The Employer does not provide respirators to employees for protection against lead when engineering and/or work-practice controls are not sufficient to reduce employee exposures to or below the permissible exposure limit. The most recent violation occurred on February 7, 2012 when an employee performing melting, wheel-a-brator, and foreman activities was not provided with a respirator:

- a. Franklin Nonferrous Foundry - On February 7, 2012, a respirator was not provided to an employee who was exposed to airborne lead at a concentration of 66.4 micrograms per cubic meter averaged over an eight-hour period, during melting, wheel-a-brator, and foreman activities, approximately 1.3 times the permissible exposure limit (PEL) of 50 micrograms per cubic meter. Overexposure to lead can cause permanent kidney, blood, and reproductive damage.

To abate this violation, the employer must ensure that its employees are provided with and use respiratory protection to reduce employee exposures to or below the permissible exposure limit of 50 micrograms per cubic meter averaged over an eight-hour period. Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance immediately upon receipt of the citation, including an explanation of which employees are wearing respiratory protection in order to avoid overexposures to lead when engineering and/or work-practice controls are not sufficient to reduce employee exposures to or below the permissible exposure limit.

Date by which Violation must be Abated: Corrected During Inspection
Proposed Penalty: \$60500.00

Rosemarie Ohar
For _____
Rosemarie Ohar
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
53 Pleasant Street, Room 3901
J.C. Cleveland Federal Bldg.
Concord, NH 03301
Phone: 603-225-1629 Fax: 603-225-1580



INVOICE / DEBT COLLECTION NOTICE

Company Name: Franklin Non-Ferrous Foundry, Inc.
Inspection Site: 293 Sanborn Street, Franklin, NH 03235
Issuance Date: 07/17/2012
Summary of Penalties for Inspection Number 111399

Citation 1, Serious	\$4400.00
Citation 2, Willful - Serious	\$181500.00
TOTAL PROPOSED PENALTIES	\$185900.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.


If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

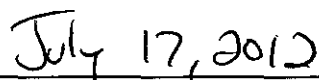
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

for 

Rosemarie Ohar
Area Director



Date