

U.S. Department of Labor Occupational Safety and Health Administration
Fountainhead Tower
8200 W. Interstate 10, Suite 605
San Antonio, TX 78230
Phone: 210-472-5040 Fax: 210-472-5045



06/10/2014

Inspection Number: 951645

HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC
and its successors
14901 Southton Rd.
Elmendorf, TX 78112

Dear Employer,

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 2011, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 8 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the enclosed "Notice to Employees of Informal Conference" (page 4) and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,


Kelly C. Knighton, CSP
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
Fountainhead Tower
8200 W. Interstate 10, Suite 605
San Antonio, TX 78230
Phone: 210-472-5040 Fax: 210-472-5045



Citation and Notification of Penalty

To:
HIGUCHI INTERNATIONAL CORPORATION ,
dba Higuchi Manufacturing America LLC
and its successors
14901 Southton Rd.
Elmendorf, TX 78112

Inspection Number: 951645
Inspection Date(s): 12/11/2013 - 03/21/2014
Issuance Date: 06/10/2014

Inspection Site:
14901 Southton Rd.
Elmendorf, TX 78112

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. *Please contact the U.S. Department of Labor – OSHA for an informal conference at 210-472-5040 ext. 237 for an appointment.*

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 06/10/2014. The conference will be held by telephone or at the OSHA office located at Fountainhead Tower, 8200 W. Interstate 10, Suite 605, San Antonio, TX 78230 on

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 951645

Company Name: HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC
Inspection Site: 14901 Southton Rd., Elmendorf, TX 78112
Issuance Date: 06/10/2014

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, Fountainhead Tower, 8200 W. Interstate 10, Suite 605, San Antonio, TX 78230**

Citation Number 1 and Item Number 1 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 2 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 3 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 4 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 5 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 6-a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 6-b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 7 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 8 was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 1-a was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 1-b 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

Inspection Number: 951645
Inspection Date(s): 12/11/2013 - 03/21/2014
Issuance Date: 06/10/2014



Citation and Notification of Penalty

Company Name: HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC

Inspection Site: 14901 Southton Rd., Elmendorf, TX 78112

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

29 CFR 1910.23(a)(8)(ii): Every floor hole into which an employee can accidentally walk was not protected by a floor hole cover of standard strength and construction:

Stamping Area: On or about December 17, 2013, and times prior there to, employee(s) were exposed to a trip hazard from an uncovered floor hole, measuring approximately 4 inches in diameter by 7-1/4 inches in depth, which was located in the walkway between the Komatsu L2M 200 (Model L2M 200-3BM, SN 10128) and the AIDA PMX (Model PMX-L2- 3000(1)).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/23/2014

Proposed Penalty:

\$2700.00

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



Citation and Notification of Penalty

Company Name: HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC

Inspection Site: 14901 Southton Rd., Elmendorf, TX 78112

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

29 CFR 1910.95(g)(5)(i): The employer did not establish, within 6 months of an employee's first exposure at or above the action level, a valid baseline audiogram against which subsequent audiograms can be compared:

a) Stamping Area: On or about December 17, 2013, and times prior there to, employee(s) operating a Komatsu L2M 300 Press Machine (Model L2M300-3BM(WL), SN 1NB054) were exposed to continuous noise at a dose of 97.6% (8-Hour Time Weighted Average sound level of 85 dBA) during the 461 minute sampling period. For a full eight hour work shift this exposure is equivalent to an average sound level of 89.8 dBA. Exposure calculations include a zero increment for the 19 minutes not sampled. The company did not establish, within 6 months of an employee's first exposure at or above the action level, a valid baseline audiogram against which subsequent audiograms can be compared.

b) Assembly Area: On or about December 17, 2013, and times prior there to, employee(s) operating a Komatsu OBS-33 (Model OBS35-33, SN 15484) were exposed to continuous noise at a dose of 79.7% (8-Hour Time Weighted Average sound level of 85 dBA) during the 454 minute sampling period. For a full eight hour work shift this exposure is equivalent to an average sound level of 88.4 dBA. Exposure calculations include a zero increment for the 26 minutes not sampled. The company did not establish, within 6 months of an employee's first exposure at or above the action level, a valid baseline audiogram against which subsequent audiograms can be compared.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/28/2014

Proposed Penalty:

\$6300.00

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



Citation and Notification of Penalty

Company Name: HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC

Inspection Site: 14901 Southton Rd., Elmendorf, TX 78112

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

29 CFR 1910.95(i)(3): Employees were not given the opportunity to select their hearing protectors from a variety of suitable hearing protectors provided by the employer:

- a) Stamping Area: On or about December 17, 2013, and times prior there to, employee(s) were not provided with more than one suitable style of hearing protectors to choose from for protection from noise exposure exceeding an 8-hour Time Weighted Average sound level of 85 dBA in the work place while operating a Komatsu L2M 300 (Model L2M300-3BM(WL), SN 1NB054) Press Machine.

- b) Stamping Area: On or about December 17, 2013, and times prior there to, employee(s) were not provided with more than one suitable style of hearing protectors to choose from for protection from noise exposure exceeding an 8-hour Time Weighted Average sound level of 85 dBA in the work place while operating a Komatsu L2M200 (Model L2M 200-3BM, SN 10128) Press Machine.

- c) Assembly Area: On or about December 17, 2013, and times prior there to, employee(s) were not provided with more than one suitable style of hearing protectors to choose from for protection from noise exposure exceeding an 8-hour Time Weighted Average sound level of 85 dBA in the work place while operating a Komatsu OBS-33 (Model OBS35-33, SN 15484) Press Machine.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/13/2014

Proposed Penalty:

\$2700.00



Citation and Notification of Penalty

Company Name: HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC
Inspection Site: 14901 Southton Rd., Elmendorf, TX 78112

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

29 CFR 1910.95(k)(1): The employer did not train each employee who is exposed to noise at or above an 8-hour time-weighted average of 85 decibels in accordance with the requirements of 29 CFR 1910.95(k). The employer did not institute a training program and ensure employee participation in the program:

- a) Stamping Area: On or about December 17, 2013, and times prior there to, employee(s) operating a Komatsu L2M 300 Press Machine (Model L2M300-3BM(WL), SN 1NB054) were exposed to continuous noise at a dose of 97.6% (8-Hour Time Weighted Average sound level of 85 dBA) during the 461 minute sampling period. For a full eight hour work shift this exposure is equivalent to an average sound level of 89.8 dBA. Exposure calculations include a zero increment for the 19 minutes not sampled. The company did not provide training in accordance with the requirements of 29 CFR 1910.95(k).
- b) Stamping Area: On or about December 17, 2013, and times prior there to, employee(s) operating a Komatsu L2M200 (Model L2M 200-3BM, SN 10128), were exposed to continuous noise at a dose of 110.2% (8-Hour Time Weighted Average sound level of 85 dBA) during the 460 minute sampling period. For a full eight hour work shift this exposure is equivalent to an average sound level of 90.7 dBA. Exposure calculations include a zero increment for the 20 minutes not sampled. The company did not provide training in accordance with the requirements of 29 CFR 1910.95(k).
- c) Assembly Area: On or about December 17, 2013, and times prior there to, employee(s) operating a Komatsu OBS-33 (Model OBS35-33, SN 15484) were exposed to continuous noise at a dose of 79.7% (8-Hour Time Weighted Average sound level of 85 dBA) during the 454 minute sampling period. For a full eight hour work shift this exposure is equivalent to an average sound level of 88.4 dBA. Exposure calculations include a zero increment for the 26 minutes not sampled. The company did not provide training in accordance with the requirements of 29 CFR 1910.95(k).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/28/2014
Proposed Penalty:	\$2700.00

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



Citation and Notification of Penalty

Company Name: HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC

Inspection Site: 14901 Southton Rd., Elmendorf, TX 78112

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

29 CFR 1910.132(d)(2): The employer did not verify, through a written certification, that the required workplace hazard assessment had been performed:

Warehouse: On or about January 22, 2014, and times prior there to, the employer did not have a written certification of the evaluation of area(s) where employee(s) use corrosive chemicals, such as but not limited to Sulfuric Acid (70-100% by Wt.) and CHEMFOS 700HNR (Phosphoric Acid, zinc bis(dihydrogen phosphate), zinc nitrate, manganese bis(dihydrogen phosphate), nickel dinitrate), to assess the need for personal protective equipment, such as face shields and chemical splash goggles, to protect employee(s) from chemical hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/27/2014
Proposed Penalty:	\$6300.00



Citation and Notification of Penalty

Company Name: HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC
Inspection Site: 14901 Southton Rd., Elmendorf, TX 78112

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 6 a Type of Violation: **Serious**

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

E-Coat Area: On or about January 22, 2014, the employer did not ensure the use of face protection, such as but not limited to, face shields and chemical splash goggles, for employee(s) who were exposed to chemical hazards while transferring approximately 12 Liters of CHEMFOS 700HNR (Phosphoric Acid, zinc bis(dihydrogen phosphate), zinc nitrate, manganese bis(dihydrogen phosphate), nickel dinitrate) to the Stage 7 area of the E-Coat machine.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/23/2014
Proposed Penalty:	\$6300.00

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

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

Inspection Number: 951645
Inspection Date(s): 12/11/2013 - 03/21/2014
Issuance Date: 06/10/2014



Citation and Notification of Penalty

Company Name: HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC

Inspection Site: 14901 Southton Rd., Elmendorf, TX 78112

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

29 CFR 1910.133(a)(3): The employer did not ensure that each affected employee who wears prescription lenses while engaged in operations that involve eye hazards wears eye protection that incorporates the prescription in its design, or wears eye protection that can be worn over the prescription lenses without disturbing the proper position of the prescription lenses or the protective lenses:

Stamping Area: On or about March 3, 2014, and times prior there to, employee(s) in the Stamping Area, who were exposed to eye hazards, such as flying particles, were not provided with eye protection that incorporated the employees' prescription in its design or with eye protection that could be worn over the employees' prescription lenses.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/13/2014

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: HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC
Inspection Site: 14901 Southton Rd., Elmendorf, TX 78112

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

- a) Stamping Area, Komatsu L2M 200: On or about March 22, 2014, and times prior there to, Komatsu L2M200 (Model L2M 200-3BM, SN 10128) press machine operators were exposed to caught-in hazards from an ingoing nip point on an attached ORII Straightener Feeder (Model LCC04HF2MAP-EVAS, SN 06HF20011T) used to feed metal coil into the press machine;
- b) Stamping Area, Komatsu E2W300: On or about March 22, 2014, and times prior there to, Komatsu E2W300 (Model E2W300-11, SN 10230) press machine operators were exposed to caught-in hazards from an ingoing nip point on an attached ORII Straightener Feeder (Model LCC04HF2XAX-EVAS, SN 11HF20001T) used to feed metal coil into the press machine;
- c) Stamping Area, Komatsu OBW 250: On or about March 22, 2014, and times prior there to, Komatsu OBW250 (Model OBW250, SN 10155) press machine operators were exposed to caught-in hazards from an ingoing nip point on an attached ORII Straightener Feeder (Model LCC04HF2MAX-EVAS , SN 06HF20013T) used to feed metal coil into the press machine;
- d) Stamping Area, Komatsu OBS 150: On or about March 22, 2014, and times prior there to, Komatsu OBS 150 (Model OBS150-6, SN 14084) press machine operators were exposed to caught-in hazards from an ingoing nip point on an attached ORII Straightener Feeder (Model LCC04HF2MAP-EVAS, SN 06HF20012T) used to feed metal coil into the press machine;
- e) Stamping Area, Komatsu L2M 300: On or about March 22, 2014, and times prior there to, Komatsu L2M 300 (Model L2M300-3BM(WL), SN 1NB054) press machine operators were exposed to caught-in hazards from an ingoing nip point on an attached ORII Straightener Feeder used to feed metal coil into the press machine.

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

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

Inspection Number: 951645
Inspection Date(s): 12/11/2013 - 03/21/2014
Issuance Date: 06/10/2014



Citation and Notification of Penalty

Company Name: HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC

Inspection Site: 14901 Southton Rd., Elmendorf, TX 78112

f) Stamping Area, Komatsu OBW 250 press machine: On or about March 3, 2014, and times prior there to, employee(s) in the Stamping Area were exposed to a caught-in hazard from an unguarded entry to the point of operation on the rear side of a Komatsu OBW250 (Model OBW250, SN 10155) press machine.

g) Stamping Area, Komatsu OBS 150 press machine: On or about March 3, 2014, and times prior there to, employee(s) in the Stamping Area were exposed to a caught-in hazard from an unguarded entry to the point of operation on the rear side and right side of a Komatsu OBS 150 (Model OBS150-6, SN 14084) press machine.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/23/2014

Proposed Penalty:

\$6300.00

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

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

Inspection Number: 951645
Inspection Date(s): 12/11/2013 - 03/21/2014
Issuance Date: 06/10/2014



Citation and Notification of Penalty

Company Name: HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC
Inspection Site: 14901 Southton Rd., Elmendorf, TX 78112

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

29 CFR 1910.217(d)(9)(iv): Safety blocks were not used when mechanical power press die(s) were being adjusted or repaired in the press:

Stamping Area, AIDA PMX: On or about December 17, 2013, employee(s) were exposed to caught-in hazards when machine press die adjustments were performed without the use of safety blocks and parts of the employee(s) body were placed into the point of operation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/23/2014
Proposed Penalty:	\$6300.00

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

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

Inspection Number: 951645
Inspection Date(s): 12/11/2013 - 03/21/2014
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Citation and Notification of Penalty

Company Name: HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC
Inspection Site: 14901 Southton Rd., Elmendorf, TX 78112

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 1 a Type of Violation: **Willful**

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source and rendered inoperative:

Stamping Area: On or about December 17, 2013, and times prior there to, the company did not establish a lockout/tagout program to ensure that employee(s) who perform tasks, to include die-setting and maintenance, where hands and other body parts enter the point of operation on mechanical press machines, such as but not limited to a Komatsu OBS 150 (Model OBS150-6, SN 14084), were not exposed to equipment hazards arising from the unexpected energizing, startup or release of stored energy that could cause injury.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/23/2014
Proposed Penalty:	\$63000.00

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



Citation and Notification of Penalty

Company Name: HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC

Inspection Site: 14901 Southton Rd., Elmendorf, TX 78112

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

29 CFR 1910.217(d)(9)(i): The employer did not establish a die setting procedure for mechanical power press(es) that would ensure compliance with 29 CFR 1910.217(c):

Stamping Area: On or about December 17, 2013, and times prior there to, the company did not develop and ensure the use of a written die setting procedure for employee(s) who perform die changes and are exposed to hazards, such as but not limited to, caught-in, struck-by and hazardous energy on the following machinery:

- a) Komatsu OBS 150 (Model OBS150-6, SN 14084);
- b) Komatsu L2M 300 (Model L2M300-3BM(WL), SN 1NB054);
- c) Komatsu L2M200 (Model L2M 200-3BM, SN 10128);
- d) AIDA PMX (Model PMX-L2- 3000(1));
- e) Komatsu E2W300 (Model E2W300-11, SN 10230);
- f) Komatsu OBW250 (Model OBW250, SN 10155).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/13/2014

A handwritten signature in black ink, appearing to read "for Kelly C. Knighton", written over a horizontal line.

Kelly C. Knighton, CSP
Area Director

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

U.S. Department of Labor
Occupational Safety and Health Administration
Fountainhead Tower
8200 W. Interstate 10, Suite 605
San Antonio, TX 78230
Phone: 210-472-5040 Fax: 210-472-5045



INVOICE / DEBT COLLECTION NOTICE

Company Name: HIGUCHI INTERNATIONAL CORPORATION , dba Higuchi Manufacturing America LLC
Inspection Site: 14901 Southton Rd., Elmendorf, TX 78112
Issuance Date: 06/10/2014

Summary of Penalties for Inspection Number	951645
Citation 1, Serious	\$39600.00
Citation 2, Willful	\$63000.00
TOTAL PROPOSED PENALTIES	\$102600.00

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.

for Alejandro Pantoja Jr

Kelly C. Knighton, CSP
Area Director

6/10/2014

Date