

U.S. Department of Labor
Occupational Safety and Health Administration
36 Triangle Park Drive
Cincinnati, OH 45246
Phone: 513-841-4132 Fax: 513-841-4114



Citation and Notification of Penalty

To:
Hobart Brothers Company
101 Trade Square East
Troy, OH 45373

Inspection Number: 98373
Inspection Date(s): 09/02/2011 - 02/27/2012
Issuance Date: 03/01/2012

Inspection Site:
101 Trade Square East
Troy, OH 45373

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 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 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, 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, 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. 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 03/01/2012. The conference will be held at the OSHA office located at 36 Triangle Park Drive, Cincinnati, OH 45246 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 98373

Company Name: Hobart Brothers Company
Inspection Site: 101 Trade Square East, Troy, OH 45373
Issuance Date: 03/01/2012

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, 36 Triangle Park Drive, Cincinnati, OH 45246**

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: Hobart Brothers Company
Inspection Site: 101 Trade Square East, Troy, OH 45373

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

29 CFR 1910.95(d)(1)(i): The sampling strategy shall be designed to identify employees for inclusion in the hearing conservation program and to enable the proper selection of hearing protectors.

The employer did not implement an adequate sampling strategy in that monitoring had not been conducted at the Ground Power test booths where employees were exposed to noise at or above 85 decibels.

Date by which Violation must be Abated:	Corrected During Inspection
Proposed Penalty:	\$4500.00

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

29 CFR 1910.95(g)(6): "Annual audiogram." At least annually after obtaining the baseline audiogram, the employer shall obtain a new audiogram for each employee exposed at or above an 8-hour time-weighted average of 85 decibels.

The employer did not ensure that employees exposed to noise at or above 85 decibels were given annual audiograms in that employees such as but not limited to Ground Power test technicians working in test booths were not receiving annual audiograms.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:	04/12/2012
Proposed Penalty:	\$4500.00



Citation and Notification of Penalty

Company Name: Hobart Brothers Company
Inspection Site: 101 Trade Square East, Troy, OH 45373

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 3 a Type of Violation: **Serious**

29 CFR 1910.95(k)(1): The employer shall 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 this section. The employer shall institute a training program and ensure employee participation in the program.

The employer did not ensure that temporary employees working in departments such as but not limited to Wire Cutting and the Kiln room received initial training that included:

- a) The effects of noise on hearing;
- b) The purpose of hearing protection, the advantages, disadvantages, and attenuation of various types, instructions on selection, fitting, use and care;
- c) The purpose of audiometric testing, and an explanation of the test procedures.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:
Proposed Penalty:

04/12/2012
\$4500.00



Citation and Notification of Penalty

Company Name: Hobart Brothers Company
Inspection Site: 101 Trade Square East, Troy, OH 45373

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

29 CFR 1910.95(k)(2): The training program shall be repeated annually for each employee included in the hearing conservation program. Information provided in the training program shall be updated to be consistent with changes in protective equipment and work processes.

The employer did not ensure employees exposed to noise at or above 85 decibels in areas such as but not limited to Ground Power test booths received annual training on 1910.95(k)(3)(i-iii).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 04/12/2012

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

29 CFR 1910.136(a): General requirements. The employer shall ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards.

The employer did not ensure that employees working in the Weigh Out department wore adequate foot protection to protect the top part of the feet when moving hoppers weighing greater than 1000 pounds in that employees wore steel-toed shoes.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 04/12/2012
Proposed Penalty: \$3600.00



Citation and Notification of Penalty

Company Name: Hobart Brothers Company
Inspection Site: 101 Trade Square East, Troy, OH 45373

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

29 CFR 1910.146(c)(1): The employer shall evaluate the workplace to determine if any spaces are permit-required confined spaces.

The employer did not evaluate the workplace to determine if spaces were permit-required confined spaces. The employer had confined spaces such as but not limited to water tanks, ovens, dust collectors and variable mixers.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 04/12/2012
Proposed Penalty: \$4500.00

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

29 CFR 1910.146(c)(2): If the workplace contains permit spaces, the employer shall inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces.

The employer did not ensure that permit required confined spaces such as but not limited to stick electrode ovens, water tanks, dust collectors and variable mixers were identified by postings or other effective means.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 04/12/2012
Proposed Penalty: \$4500.00



Citation and Notification of Penalty

Company Name: Hobart Brothers Company
Inspection Site: 101 Trade Square East, Troy, OH 45373

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

29 CFR 1910.146(d)(3): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including but not limited to paragraphs (i) thru (vi):

The employer did not ensure that employees entering permit-required confined spaces such as but not limited to water tanks, ovens and dust collectors conducted air monitoring prior to entry. On or about August 2011 employees entered a stick oven to retrieve welding rods during oven clean up.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 04/12/2012
Proposed Penalty: \$4500.00

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

29 CFR 1910.146(e)(1): Before entry is authorized, the employer shall document the completion of measures required by paragraph (d)(3) of this section by preparing an entry permit.

The employer did not ensure that entry permits were completed prior to employees entering permit-required confined spaces. Employees entered spaces such as but not limited to water tanks, dust collectors and ovens for retrieving product, cleaning and maintenance. On or about August 2011 employees entered a stick oven to retrieve welding rods during oven clean up.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 04/12/2012
Proposed Penalty: \$4500.00



Citation and Notification of Penalty

Company Name: Hobart Brothers Company
Inspection Site: 101 Trade Square East, Troy, OH 45373

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.146(g)(1): The employer shall provide training so that all employees whose work is regulated by this section acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under this section.

The employer did not ensure that employees entering a permit-required confined space such as but not limited to water tanks and ovens were trained to perform the duties designated such as but not limited to entrants, attendants and entry supervisors prior to assuming the duties. On or about August 2011 employees entered a stick oven to retrieve welding rods during oven clean up.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 04/12/2012
Proposed Penalty: \$4500.00

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.146(k)(1): An employer who designates rescue and emergency services, pursuant to paragraph (d)(9) of this section, shall:

The employer did not ensure that rescue services had been evaluated prior to employees entering permit required confined spaces such as but not limited to water tanks and ovens. The employer had not developed rescue procedures prior to entry. On or about August 2011 employees entered a stick oven to retrieve welding rods during oven clean up.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 04/12/2012
Proposed Penalty: \$4500.00



Citation and Notification of Penalty

Company Name: Hobart Brothers Company
Inspection Site: 101 Trade Square East, Troy, OH 45373

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 11 a Type of Violation: **Serious**

29 CFR 1910.1030(c)(1)(ii): The Exposure Control Plan shall contain at least the following elements:

The employer did not ensure that the facilities' site specific exposure control plan for designated first aid providers contained the following information:

- a) A list of job classifications in which employees may have occupational exposure;
- b) The disinfectant to be used in the event of blood cleanup;
- c) Post exposure procedures and followup;
- d) Documentation of annual review.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:
Proposed Penalty:

04/12/2012
\$2700.00



Citation and Notification of Penalty

Company Name: Hobart Brothers Company
Inspection Site: 101 Trade Square East, Troy, OH 45373

Citation 1 Item 11 b Type of Violation: **Serious**

29 CFR 1910.1030(g)(2)(vii)(E): An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;

The employer did not ensure that designated first aid providers received training on the company's written bloodborne exposure control plan.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:

04/12/2012



Citation and Notification of Penalty

Company Name: Hobart Brothers Company
Inspection Site: 101 Trade Square East, Troy, OH 45373

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.1200(h)(3)(ii): The physical and health hazards of the chemicals in the work area;

The employer did not ensure that employees were trained on the physical and chemical hazards of chemicals in their work area in that:

- a) Employees working at the drawbench machines were not informed of the chemicals or hazards of the chemicals used in the flux mix which employees pour into the drawbenches. Employees were exposed to chemicals such as but not limited to molybdenum (inhalation hazard-respiratory system, liver, kidneys), nickel (inhalation hazard-lung and nasal cancer), manganese (inhalation hazard-Parkinson's metal fume fever, mental confusion, kidney damage), magnesium (highly flammable, water reactant) and cobalt (inhalation-sensitization);
- b) Employees working in stainless coating were not informed of the chemicals or hazards of the chemicals used in the stainless coating area such as but not limited to caustic soda (corrosive), potassium silicate solution (eye & skin irritant) and mixes from weigh out which contained silica (silicosis, lung cancer).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 04/12/2012
Proposed Penalty: \$4500.00



Citation and Notification of Penalty

Company Name: Hobart Brothers Company
Inspection Site: 101 Trade Square East, Troy, OH 45373

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.30(a): Basic requirement. You must keep a separate OSHA 300 Log for each establishment that is expected to be in operation for one year or longer.

The employer did not keep separate OSHA 300 Logs for each establishment in that the OSHA 300 Log for 2008, 2009 and 2010 had entries from company locations in Piqua, Ohio, downtown Troy, Ohio and the Trade Square East location, Troy, Ohio.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 04/12/2012
Proposed Penalty: \$900.00

Citation 2 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.95(l)(1): The employer shall make available to affected employees or their representatives copies of this standard and shall also post a copy in the workplace.

The employer did not ensure that a copy of 1910.95 was posted in areas where employees were exposed to noise at or above 85 decibels.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 03/15/2012
Proposed Penalty: \$.00



Citation and Notification of Penalty

Company Name: Hobart Brothers Company
Inspection Site: 101 Trade Square East, Troy, OH 45373

Citation 2 Item 3 Type of Violation: **Other-than-Serious**

29 CFR 1910.132(d)(2): "The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

The employer did not ensure that a workplace hazard assessment had been performed in that the employer had no written certification.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 04/12/2012
Proposed Penalty: \$.00

Citation 2 Item 4 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(c)(2)(i): An employer may provide respirators at the request of employees or permit employees to use their own respirators, if the employer determines that such respirator use will not in itself create a hazard. If the employer determines that any voluntary respirator use is permissible, the employer shall provide the respirator users with the information contained in Appendix D to this section ("Information for Employees Using Respirators When Not Required Under the Standard"); and

The employer did not ensure that employees wearing dust masks voluntarily were given a copy of Appendix D.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 04/12/2012
Proposed Penalty: \$.00



Citation and Notification of Penalty

Company Name: Hobart Brothers Company
Inspection Site: 101 Trade Square East, Troy, OH 45373

Citation 2 Item 5 Type of Violation: **Other-than-Serious**

29 CFR 1910.1020(g)(1)(iii): Each employee's rights of access to these records.

The employer did not ensure that employees received training on their access to medical and exposure records which includes:

- a) The existence, location and availability of employee medical and exposure records;
- b) The person responsible for maintaining and providing access to records;
- c) Employee's rights of access to the records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: . 04/12/2012
Proposed Penalty: \$900.00

A handwritten signature in cursive script that reads "William Wilkerson".

William Wilkerson
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
36 Triangle Park Drive
Cincinnati, OH 45246
Phone: 513-841-4132 Fax: 513-841-4114



INVOICE / DEBT COLLECTION NOTICE

Company Name: Hobart Brothers Company
Inspection Site: 101 Trade Square East, Troy, OH 45373
Issuance Date: 03/01/2012

Summary of Penalties for Inspection Number	98373
Citation 1, Serious	\$51300.00
Citation 2, Other-than-Serious	\$1800.00
TOTAL PROPOSED PENALTIES	\$53100.00

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.

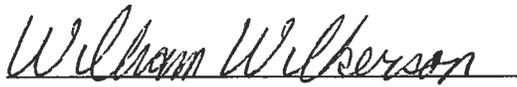
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.

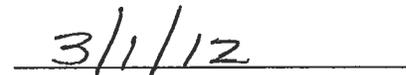
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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



William Wilkerson

Area Director



Date