

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: 98332
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: 98332

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**

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees exposed to struck-by hazards from falling loads.

In the Stick Electrode Weigh Out Area, an employee was exposed to a struck-by, crushing hazard from a falling load due to a broken latch on the hook of the 2 Ton underhung overhead Coffing hoist. The hoist was being used to lift and move a metal sloped container to a grated opening area where the powdered material contents inside the container are dumped into to a mixer on the floor below.

Among other methods, one feasible and acceptable abatement method to correct this hazard is to follow the American Society of Mechanical Engineers (ASME) B30.10-1999, Safety Standard for Cableways, Cranes, Derricks, Hoists, Hooks, Jacks, and Slings. Follow the guidelines stated in Section 10-1.10; Inspections, Removal and Repair. A latch that does not close the throat opening on the hook shall be removed from service until the latch is repaired or replaced.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 03/29/2012
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 2 Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to struck-by hazards while moving loads.

- a. In the Stick Electrode Small Pack Operation, an employee was exposed to a struck by, crushing hazard from a falling load while using a spreader bar, a below the hook lifting device, in conjunction with an overhead hoist, to lift a metal cart of stick electrodes onto a table due to the lack of proof testing and the unknown rated load capacity of the spreader bar.
- b. In the Stick Electrode Stainless Area, an employee was exposed to a struck by, crushing hazard from a falling load while using a spreader bar with hooks on both ends, a below the hook lifting device, in conjunction with an overhead hoist, to lift a mixer bowl due to an unknown rated load capacity of the spreader bar.
- c. In the Stick Electrode Wire Cutting Area, an employee was exposed to a struck by, crushing hazard from a falling load while lifting metal dividers from a cart containing stick electrodes using metal tongs, a below the hook lifting device, in conjunction with an overhead hoist, due to an illegible marked load capacity and lack of proof testing of the tongs.
- d. In the Stick Electrode Weigh Out Area, an employee was exposed to a struck by, crushing hazard from a falling load while lifting and moving a metal, sloped side container, 5' by 5' by 2 1/2', with a below the hook lifting device, in conjunction with an underhung overhead hoist, due to lack of proof testing and unknown rated load capacity of the below the hook device.
- e. In the Stick Electrode Stainless Area, an employee was exposed to a struck by, crushing hazard from a falling load while lifting a coiled wire into a tank using a metal spreader bar, a below the hook lifting device, in conjunction with an overhead crane, due to the lack of proof testing and unknown rated load capacity marked of the spreader bar.



Citation and Notification of Penalty

Company Name: Hobart Brothers Company
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Among other methods, one feasible and acceptable abatement method to correct this hazard is to follow the guidelines in American Society of Mechanical Engineers (ASME) B30.20-2003, Section 20-1.2.1 wherein it specifies that below-the-hook lifting devices must be capable of lifting loads within its rated capacity, which must be marked so as to inform the user to prevent overloading and failure of the device. The employer can also determine during the periodic inspection of these devices that the rated load capacity is marked and used within its rated load capacity.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

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

29 CFR 1910.23(a)(2): Every ladderway floor opening or platform shall be guarded by a standard railing with standard toeboard on all exposed sides (except at entrance to opening), with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

- a. In the Tubular Wire Kiln Room next to TK Mixer #1, an employee was exposed to a six foot fall hazard due to the lack of a swinging gate or so offset so that a person cannot walk directly into the opening while working on a platform where materials are being staged.
- b. In the Stick Electrode Extrusion Line 4 Oven Area, an employee was exposed to six foot fall hazard due to the lack of a swinging gate or offset so that a person cannot walk directly into the opening while working on a platform to un-jam stick electrodes inside the oven.

Date by which Violation must be Abated: Corrected During Inspection
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 4 a Type of Violation: **Serious**

29 CFR 1910.23(a)(8): Every floor hole into which persons can accidentally walk shall be guarded:

- a. In the Tubular Wire Area at the employee and vehicle aisleway next to Drawbench Machine #206, employees were exposed to a trip and fall hazard from a 2 3/4 inch by 16 1/2 inch by 1-inch deep floor hole next to a metal floor grating cover.
- b. In the Tubular Wire Area in the Basement next to the Waste Water Treatment Area, an employee was exposed to a trip and fall hazard from a 4 1/2 inch in diameter floor drain hole.

Date by which Violation must be Abated:	Corrected During Inspection
Proposed Penalty:	\$2700.00

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

29 CFR 1910.23(a)(9): Every floor hole into which persons cannot accidentally walk (on account of fixed machinery, equipment, or walls) shall be protected by a cover that leaves no openings more than 1 inch wide. The cover shall be securely held in place to prevent tools or materials from falling through.

In the Stick Electrode Weigh Out Area, an employee was exposed to a trip and fall hazard from two, approximately 18 inches squared, floor grate openings ranging from 2 1/2 -3 inches in width.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:	03/29/2012
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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 1910.23(d)(1): Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified in paragraphs (d)(1)(i) through (v) of this section, the width of the stair to be measured clear of all obstructions except handrails:

- a. In the Stick Electrode Area on the stairway leading down from Weigh Out, an enclosed section of stairway, five steps, 44 inches in width, was missing a handrail on the right side descending.
- b. In the Stick Electrode Maintenance Room, the outside stairs leading down to the ground, five steps, 11 feet in width, were missing a handrail and intermediate railing located approximately midway of the width.
- c. In the Stick Electrode Wire Cutting Area, the four grated steps leading up to a section of Line 4 Wire Cutting Machine was missing a stair railing on both open sides.
- d. In the Stick Electrode Shipping and Receiving Area the outside concrete stairs, four steps, 48 inches in width, leading up to the inside receiving area were missing stair railings on one side of the landing and on both open sides.

Date by which Violation must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3600.00



Citation and Notification of Penalty

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

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

29 CFR 1910.23(e)(1): A standard railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of 42 inches nominal from upper surface of top rail to floor, platform, runway, or ramp level. The top rail shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be approximately halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard.

- a. In the Stick Electrode Wet Mix Room, employees were exposed to a five foot fall hazard due to the standard railing top rail for the Mueller Mixer work platform measured 31 inches.
- b. In the Tubular Wire Mix Room the stair railing and work platform, employees were exposed to a six feet fall hazard on the 50 cu ft. Variable Size Mixer due to it missing a midrail.
- c. In the Stick Electrode Extrusion Line 4 Oven Area, an employee was exposed to a six foot fall hazard from the lack of midrails and toeboards on the three-sided work platform.
- d. In the Stick Electrode Extrusion Oven Area an elevated work platform, an employee was exposed to a 10 foot fall hazard from the lack of midrails and toeboards while working on hydraulic powered equipment.

Date by which Violation must be Abated:
Proposed Penalty:

Corrected During Inspection
\$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 1910.36(d)(1): An exit door must be unlocked.

In the Tubular Wire Kiln Room, employees are working in an area where a marked exit door inside the room had a metal accordion fence across the front of the door with a locked combination lock on the door.

Date by which Violation must be Abated:	Corrected During Inspection
Proposed Penalty:	\$6300.00

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

29 CFR 1910.37(a)(3): Exit routes must be free and unobstructed. No materials or equipment may be placed, either permanently or temporarily, within the exit route. The exit access must not go through a room that can be locked, such as a bathroom, to reach an exit or exit discharge, nor may it lead into a dead-end corridor. Stairs or a ramp must be provided where the exit route is not substantially level.

In the Tubular Kiln Room, employees were exposed to a trip and fall hazard while exiting the work platform and onto the mobile ladder stand due to the 10 inch difference in the height of the ladder stand and the work platform.

Date by which Violation must be Abated:	Corrected During Inspection
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 1910.106(e)(6)(ii): "Grounding." Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of this section shall be deemed to have been complied with.

In the Tubular Wire Specialty Packaging Area, employees were exposed to a fire hazard when an employee transferred Dry Film Lubricant, #417471, a Class 1B flammable liquid, into a five gallon metal bucket from a 55 gallon drum without bonding the two containers together.

Date by which Violation must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3600.00

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

29 CFR 1910.132(a): Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

a. In the Tubular Wire Continuous Oven Area on or about September 8, 2011, an employee was exposed to a 10' fall hazard while standing on top of the Continuous Oven to oversee a Contractor employee's repair of the oven.



Citation and Notification of Penalty

Company Name: Hobart Brothers Company
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b. In the Tubular Wire Area at the Precision Quincy Ovens #832 and #833, employees were exposed to an eight foot fall hazard while performing preventative maintenance activities while standing on top of these ovens.

Date by which Violation must be Abated: Corrected During Inspection
Proposed Penalty: \$6300.00

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

29 CFR 1910.147(c)(4)(ii)(C): Specific procedural steps for the placement, removal and transfer of lockout devices or tagout devices and the responsibility for them;

Specific procedural steps to remove and transfer lockout devices with other devices had not been developed in that Stick Electrode maintenance employees had to remove their locks on a 240 Volt AC electrical disconnect switchbox on the De-coater Machine undergoing maintenance because they did not have enough locks to lock out other electrical and pneumatic energy sources on other machines which required service and maintenance.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 03/29/2012
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 12 Type of Violation: **Serious**

29 CFR 1910.147(c)(5)(i): Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware shall be provided by the employer for isolating, securing or blocking of machines or equipment from energy sources.

Operators performing servicing and maintenance activities were exposed to electrical and pneumatic energy sources when performing a set up on a Drawbench machine, changing a fixture on a Spooler machine, when replacing a forming roll on a GIMAX Machine, when changing knives on a Wire cutting Machine and when changing sanding belts on Belt Sander Machines. All operators performing servicing and maintenance were not provided with locks to affix to the energy isolating devices after they were isolated prior to performing the task.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 03/22/2012
Proposed Penalty: \$4500.00

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.147(c)(6)(i): The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed.

Periodic inspections of the Company's energy control procedures were ineffective in that authorized employees had not reviewed the specific energy control procedures for their business unit and all authorized employees had not been evaluated to determine compliance while performing servicing and maintenance activities.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 03/29/2012
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 14 Type of Violation: **Serious**

29 CFR 1910.147(c)(7)(i): The employer shall provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees.

Operators of Drawbench, Spooler, GIMAX and Wire Cutting Machines were performing servicing and maintenance activities and have not received training to ensure they have the knowledge and skills required for the safe application, usage, and removal of energy controls.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:	03/29/2012
Proposed Penalty:	\$4500.00

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 15 a Type of Violation: **Serious**

29 CFR 1910.147(d)(3): Machine or equipment isolation. All energy isolating devices that are needed to control the energy to the machine or equipment shall be physically located and operated in such a manner as to isolate the machine or equipment from the energy source(s).

a. In the Tubular Wire Kiln Room, on or about October 5, 2011, an employee was changing the "Christmas tree-like" blade inside the Lancaster TK-2 mixer by putting his lock over a cover on the power push button instead of an electrical energy isolating device.



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- b. In the Tubular Wire R&D Pipe Lab, on or about October 8, 2011, an employee was changing the saw blade on the Craftex 9" Metal Horizontal Band Saw and did not unplug the 220 Volt power plug before changing the blade.
- c. In the Tubular Wire GIMAX Area, on or about October 10, 2011, an employee was replacing a forming roll on a GIMAX machine #706 without first isolating the electrical and pneumatic energy sources.
- d. In the Stick Electrode Wire Cutting Area, on or about October 5, 2011, an employee was changing the four knives on the Line 4 Wire Cutting Machine without first isolating the electrical and pneumatic energy sources.
- e. In the Tubular Wire Test Welding Unit, an employee was changing a sanding belt on a Burr King Belt Sander on a daily basis and did not isolate the electrical energy source by unplugging the plug prior to changing the sanding belt.
- f. In the Tubular Wire Area, Drawbench operators are cleaning the inside of the die boxes after the end of their shift and did not isolate the electrical and pneumatic energy sources.
- g. In the Stick Electrode Wet Mix Area, on or about October 30, 2011, an employee chipping out the "cement like" material inside the Mueller Mixer #4 did not isolate the pneumatic, water and silicate energy sources prior to going inside the mixer.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:	03/29/2012
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 15 b Type of Violation: **Serious**

29 CFR 1910.147(d)(4)(i): Lockout or tagout devices shall be affixed to each energy isolating device by authorized employees.

- a. In the Tubular Wire Specialty Area, on or about October 10, 2011, an operator was changing a forming roll on GIMAX machine #706 and did not affix lockout devices to the electrical and pneumatic energy sources.
- b. In the Stick Electrode Wire Cutting Area, on or about October 5, 2011, an operator was changing four knives on Line 4 Wire Cutting machine, Arboga, #60-4744/63 and did not affix lockout devices to the electrical and pneumatic energy sources.
- c. In the Stick Electrode Stainless Area, a Green Phillips, De-coater Machine undergoing maintenance (awaiting parts) had an employee move the electrical disconnect switchbox lever to the off position however, did not affix their lockout device to the 240 Volt AC three phase electrical disconnect switchbox.
- d. In the Tubular Wire R&D Shop, an employee changing sanding belts on a daily basis on a Burr King Belt Sander, Model 960250, SN 15410, did not affix a lockout device to the electrical energy source.
- e. In the Tubular Wire Continuous Oven, on or about September 28, 2011, an employee was installing some temporary lighting inside the oven and did not affix a lockout device on the natural gas energy source.
- f. In the Stick Electrode Wet Mix Area, on or about October 30, 2011, an employee was chipping out the inside of the Mueller Mixer #4 and did not affix a lockout device on the pneumatic, water and silicate energy sources.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:

03/29/2012



Citation and Notification of Penalty

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

Citation 1 Item 16 Type of Violation: **Serious**

29 CFR 1910.178(l)(2)(ii): Training shall consist of a combination of formal instruction (e.g., lecture, discussion, interactive computer learning, video tape, written material), practical training (demonstrations performed by the trainer and practical exercises performed by the trainee), and evaluation of the operator's performance in the workplace.

Powered pallet jack operators had not received training consisting of formal instruction, practical training and an evaluation of the operator's performance.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

Citation 1 Item 17 Type of Violation: **Serious**

29 CFR 1910.212(a)(1): One or more methods of machine guarding shall be 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. In the Tubular Wire Pipe Lab, an employee was exposed to a six inch section of the unused portion of the saw blade on a 9" Craftex Metal Horizontal Bandsaw during its operation.
- b. In the Stick Electrode Weigh Out Room, an employee was exposed to a crushing and pinch point hazard from the ram of a Trash Compactor/Baler during its operation.
- c. In the Tubular Wire Area, an employee was leaning against the reel payoff guard on Spooler Machine 400# and was exposed to the rotating wire wheel due to a four inch gap between the metal guard and control panel.



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Company Name: Hobart Brothers Company
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- d. In the Tubular Wire Specialty Area, an employee was operating a Spooler machine #861 and was exposed to a pinch point hazard from a 3" x 16" opening in the plexiglass and metal guard covering the fixture reel.
- e. In the Tubular Wire Area, Drawbench machine operators were exposed to moving parts under tension while measuring the diameter of the wire with a micrometer inside the opened die box enclosures prior to the start of the machine.
- f. In the Tubular Wire Maintenance Area, an employee was exposed to the pinch points of an unguarded (no name of manufacturer) Belt Sander machine during its operation.
- g. In the Tubular Wire R&D Shop, an employee was exposed to the pinch points of an unguarded Burr King Belt Sander Machine during its operation.
- h. In the Tubular Wire Kiln Room, an employee was exposed to pinch points of a moving chain on both sides holding plastic buckets that are moving up an elevator on a Rotex Screener from a 12 inch by 12 inch opening.

Date by which Violation must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4500.00



Citation and Notification of Penalty

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

Citation 1 Item 18 Type of Violation: **Serious**

29 CFR 1910.212(a)(4): Barrels, containers, and drums. Revolving drums, barrels, and containers shall be guarded by an enclosure which is interlocked with the drive mechanism, so that the barrel, drum, or container cannot revolve unless the guard enclosure is in place.

- a. In the Tubular Wire Area on Autopac Machines #851 and #852, the metal enclosure to the barrel container was not interlocked with the drive mechanism.
- b. In the Tubular Wire Area on Drummer Machines #901 and 903, the metal enclosure to the barrel container was not interlocked with the drive mechanism.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 03/29/2012
Proposed Penalty: \$3600.00

Citation 1 Item 19 Type of Violation: **Serious**

29 CFR 1910.215(d)(3): Surface condition. All contact surfaces of wheels, blotters and flanges shall be flat and free of foreign matter.

In the Stick Electrode Maintenance Area, employees were exposed to a struck-by hazard from non-ferrous metals being grinded on the face of the abrasive wheel of this pedestal abrasive wheel and wire wheel machine.

Date by which Violation must be Abated: Corrected During Inspection
Proposed Penalty: \$2700.00



Citation and Notification of Penalty

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

Citation 1 Item 20 Type of Violation: **Serious**

29 CFR 1910.242(b): Compressed air used for cleaning. Compressed air shall not be used for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment.

In the Tubular Wire R&D Shop, employees were using compressed air nozzles which when dead-ended measured 50 psi.

Date by which Violation must be Abated:	Corrected During Inspection
Proposed Penalty:	\$3600.00

Citation 1 Item 21 Type of Violation: **Serious**

29 CFR 1910.303(b)(2): 'Installation and use. Listed or labeled equipment shall be installed and used in accordance with any instructions included in the listing or labeling.

a. In the Tubular Wire R&D Machine Shop, a flexible cord for a Vertical Milling Machine was run to a 240 Volt AC electrical disconnect switchbox instead of through the appropriate conduit.

b. In the Stick Electrode Stainless Room, the end of a 110 Volt AC extension cord set was plugged into a Ground Fault Interrupt (GFI) pigtail and then plugged into a portable vacuum and this did not protect the entire length of the electrical circuit.

Date by which Violation must be Abated:	Corrected During Inspection
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 22 Type of Violation: **Serious**

29 CFR 1910.303(b)(8)(i): Electric equipment shall be firmly secured to the surface on which it is mounted.

- a. In the Tubular Wire Mix Room, a two receptacle electrical outlet metal box supplying 110 Volt AC power to a "Barrel Dump" hydraulic power pack was not mounted to a surface.
- b. In the R&D Machine Shop, a four receptacle electrical outlet metal box on a work table supplying 110 Volt AC for equipment on the table was not secured to the surface.
- c. In the Stick Electrode Small Pack Operation, a two receptacle electrical outlet located on the lower shelf of a work table supplying 110 Volt AC for equipment was not secured to the surface.
- d. In the Tubular Wire Area, a single receptacle electrical outlet supplying 110 Volt AC power to a lighting fixture for Spooler Machine #470 was pulled away from its surface.

Date by which Violation must be Abated: Corrected During Inspection
Proposed Penalty: \$2700.00

Citation 1 Item 23 Type of Violation: **Serious**

29 CFR 1910.303(g)(1): 'Space about electric equipment. Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

In the Stick Electrode Small Pack Operation Room, cardboard boxes were stacked thereby blocking access to the electrical circuit breaker panel and electrical disconnect switches for machines and other equipment in the room.

Date by which Violation must be Abated: Corrected During Inspection
Proposed Penalty: \$2700.00



Citation and Notification of Penalty

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

Citation 1 Item 24 Type of Violation: **Serious**

29 CFR 1910.303(g)(2)(i): Except as elsewhere required or permitted by this standard, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the following means:

In the Tubular Wire R&D Area 51 Room, an employee was exposed to live electrical parts, 120 Volt AC, from an electrical panelboard, P-1, where the deadfront cover was not properly secured to the box and left an 1/2 inch gap between the last row of circuit breakers and the cover.

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

Citation 1 Item 25 Type of Violation: **Serious**

29 CFR 1910.304(g)(5): Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent, continuous, and effective.

- a. In the Tubular Wire R&D Shop, the 110 Volt AC power plug on a 36" in diameter floor fan in use was missing its grounding pin.
- b. In the Stick Electrode Small Pack Operation Room, the metal body frame on a Green, 10 cu ft, Refrigerator used by employees was not properly grounded.

Date by which Violation must be Abated:	Corrected During Inspection
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 26 Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings shall be effectively closed.

- a. In the Tubular Wire R&D Machine Shop, an unused opening in a 240 Volt AC electrical disconnect switchbox supplying power to a Vertical Milling Machine was not effectively closed.
- b. In the Stick Electrode Waste Water Treatment Area located on a wall on the work platform, a 110 Volt AC junction box was missing its cover.
- c. In the Stick Electrode R&D Formulator Lab Area, an unused opening in a 110 Volt AC electrical box for a pump motor was not effectively closed.
- d. In the Ground Power Shipping and Receiving Area, a cover over a 240 Volt AC junction box to a Trash Compactor was missing.
- e. In the Ground Power Shipping and Receiving Area, an opening in a two light switch box was not effectively closed.

Date by which Violation must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2700.00



Citation and Notification of Penalty

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

Citation 1 Item 27 Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv): Unless specifically permitted otherwise in paragraph (g)(1)(ii) of this section, flexible cords and cables may not be used:

- a. In the Tubular Wire Mix Room, an extension cord set was being used as permanent wiring to power a 110 Volt AC column mounted fan.
- b. In Stick Electrode Area just outside the Stainless Room, a 110 Volt AC extension cord set was being used as permanent wiring to power a scale located on a work table.
- c. In the Tubular Wire R&D Shop, a 110 Volt AC flexible power cord for a three-foot diameter floor fan was run under a floor rug and subject to damage.
- d. In the Stick Electrode Small Pack Operation, a 10 cu. ft. Green Refrigerator, 110 Volt AC, was plugged into an multi-receptacle outlet box extension cord set and not directly into a branch circuit.
- e. In the Tubular Wire Area, in the rear of the GIMAX Machine #708, a 110 Volt AC extension cord set was being used as permanent wiring to power a motor for a Lube Box.

Date by which Violation must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2700.00



Citation and Notification of Penalty

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

Citation 1 Item 28 Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(ii): Flexible cords may be used only in continuous lengths without splice or tap. Hard-service cord and junior hard-service cord No. 14 and larger may be repaired if spliced so that the splice retains the insulation, outer sheath properties, and usage characteristics of the cord being spliced.

In the Stick Electrode Extrusion Line 4, the 110 Volt AC power cord on the pedestal floor fan had been spliced and the outer insulation on the cord did not retain the insulation and outer sheath properties of the cord being spliced.

Date by which Violation must be Abated:	Corrected During Inspection
Proposed Penalty:	\$2700.00

Citation 1 Item 29 Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables shall be connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws.

- a. In the Tubular Wire R&D Shop, the outer insulation on the 110 Volt AC power cord plug outer insulation for the fluorescent light fixture was pulled away from the plug exposing the internal insulated wiring and creating strain on the terminal screws.
- b. In the Tubular Wire Area, the electrical conduit going into a single receptacle electrical metal outlet supplying 110 Volt AC power to a lighting fixture for Spooler Machine #470 was pulled away from the metal outlet and created strain on the terminal screws.

Date by which Violation must be Abated:	Corrected During Inspection
Proposed Penalty:	\$2700.00



Citation and Notification of Penalty

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

Citation 1 Item 30 Type of Violation: **Serious**

29 CFR 1910.305(j)(2)(iv): A receptacle installed in a wet or damp location shall be suitable for the location.

In the Stick Electrode Stainless Room, a four receptacle metal outlet mounted to a concrete column was located in a wet area where mixers are cleaned out and was not suitable for that location.

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

Citation 1 Item 31 Type of Violation: **Serious**

29 CFR 1910.335(a)(1)(i): Employees working in areas where there are potential electrical hazards shall be provided with, and shall use, electrical protective equipment that is appropriate for the specific parts of the body to be protected and for the work to be performed.

In the Stick Electrode Area on or about November 8, 2011, an employee was performing troubleshooting using an amp probe on a 220 Volt AC electrical starter motor for the Extrusion Line 1 Oven and was wearing a FR short sleeve shirt instead of a FR rated long sleeve shirt.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:	03/29/2012
Proposed Penalty:	\$3600.00



Citation and Notification of Penalty

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

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

29 CFR 1910.36(g)(2): An exit access must be at least 28 inches (71.1 cm) wide at all points. Where there is only one exit access leading to an exit or exit discharge, the width of the exit and exit discharge must be at least equal to the width of the exit access.

In the Stick Electrode Weigh Out Room, an exit access aisleway leading to the inside fire exit stairway measured 24 inches.

Date by which Violation must be Abated:	Corrected During Inspection
Proposed Penalty:	\$.00

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

29 CFR 1910.37(b)(5): Each doorway or passage along an exit access that could be mistaken for an exit must be marked "Not an Exit" or similar designation, or be identified by a sign indicating its actual use (e.g., closet).

In the Stick Electrode Weigh Out Room, two doors leading out to the production lines and not considered exits were not marked "Not an Exit" or its actual use.

Date by which Violation must be Abated:	Corrected During Inspection
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 1910.106(e)(9)(iii): "Waste and residue." Combustible waste material and residues in a building or unit operating area shall be kept to a minimum, stored in covered metal receptacles and disposed of daily.

In the Stick Electrode Small Pack Operation Room, oily rags used by employees for cleaning machines in the room were located on a work table and not stored in a covered metal receptacle.

Date by which Violation must be Abated:	Corrected During Inspection
Proposed Penalty:	\$.00

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

29 CFR 1910.157(g)(3): The employer shall provide employees who have been designated to use fire fighting equipment as part of an emergency action plan with training in the use of the appropriate equipment.

Employees who perform fire watch duties as a part of the Company's hot work permit program have not received hands-on training on the fire extinguishing equipment on at least an annual basis.

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 1910.184(e)(3)(i): In addition to the inspection required by paragraph (d) of this section, a thorough periodic inspection of alloy steel chain slings in use shall be made on a regular basis, to be determined on the basis of (A) frequency of sling use; (B) severity of service conditions; (C) nature of lifts being made; and (D) experience gained on the service life of slings used in similar circumstances. Such inspections shall in no event be at intervals greater than once every 12 months.

In the Tubular Wire Mix Room, employees were using an overhead hoist with a four leg alloy steel chain sling to lift a metal hopper of powdered materials into the Munson Mixer and the sling had not been inspected within the last 12 months.

Date by which Violation must be Abated: Corrected During Inspection
Proposed Penalty: \$.00

Citation 2 Item 6 Type of Violation: **Other-than-Serious**

29 CFR 1910.212(a)(2): General requirements for machine guards. Guards shall be affixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself.

a. In the Stick Electrode Area at the end of the Extrusion Line 2 & 3 Ovens, the expanded metal guard to the entrance to oven was secured only by wing nuts which allowed an employee with easy access to the moving conveyor line on the Extrusion Line Oven.

b. In the Stick Electrode Area on the side of the Extrusion Line 2 & 3 Ovens, the expanded metal box guard enclosing the tachometer was secured only by a latch which allowed an employee with easy access to the moving parts on the tachometer on the Extrusion Line Ovens

Date by which Violation must be Abated: Corrected During Inspection
Proposed Penalty: \$.00

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

Inspection Number: 98332
Inspection Date(s): 09/02/2011 - 02/27/2012
Issuance Date: 03/01/2012



Citation and Notification of Penalty

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

Citation 2 Item 7 Type of Violation: **Other-than-Serious**

29 CFR 1910.303(f)(2): Services, feeders, and branch circuits. Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident.

In the Tubular Wire R&D Area 51 Room, circuit breakers in an electrical panelboard, P-1, were not marked to indicate their purpose.

Date by which Violation must be Abated:
Proposed Penalty:

Corrected During Inspection
\$.00

William J. Wilkerson

William J. Wilkerson, CIH
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	98332
Citation 1, Serious	\$121500.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$121500.00

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

William Wilkerson

Area Director

March 1, 2012

Date