

U.S. Department of Labor
Occupational Safety and Health Administration
1441 Main St.
Room 550
Springfield, MA 01103
Phone: (413)785-0123 FAX: (111)222-3333



Citation and Notification of Penalty

To:
HORN PACKAGING CORPORATION
and its successors
580 FORT POND ROAD
LANCASTER, MA 01523-3224

Inspection Number: 315516005
Inspection Date(s): 11/07/2011-02/16/2012
Issuance Date: 05/02/2012

Inspection Site:
580 FORT POND ROAD
LANCASTER, MA 01523-3224

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.

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 page 5 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

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

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

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

Notification of Corrective Action - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

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.

ABATEMENT CERTIFICATION

Mary E. Hoyer, Area Director
U.S. Department of Labor - OSHA
1441 Main St.
Room 550
Springfield, MA 01103
Phone: (413)785-0123

HORN PACKAGING CORPORATION
580 FORT POND ROAD
LANCASTER, MA 01523-3224

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

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

Signature

Typed or Printed Name



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/02/2012. The conference will be held at the OSHA office located at 1441 Main St., Room 550, Springfield, MA, 01103 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

U.S. Department of Labor
Occupational Safety and Health Administration
1441 Main Street

Inspection Number: 315516005
Inspection Dates: 11/07/2011-02/16/2012
Issuance Date: 05/01/2012



Room 550
Springfield, MA 01103
Internet Web Address: www.osha.gov

Citation and Notification of Penalty

Company Name: HORN PACKAGING CORPORATION
Inspection Site: 580 FORT POND ROAD, LANCASTER, MA 01523-2224

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

29 CFR 1910.147(c)(4)(ii) (B): The energy control procedures did not clearly and specifically outline the steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy:

a) Horn Packaging Corp: On or about 11/7/11 the employer's written energy control procedures, also known as a "written lockout tagout program" did not include machine specific procedures that contain clear and specific steps for the shut down, isolation, and securing of machines and equipment such, as but not limited to, the Ward Corrugated Box Making Machine in the Corrugated department.

Date By Which Violation Must be Abated:	06/03/2012
Proposed Penalty:	\$ 6300.00

See pages 1 through 5 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
1441 Main Street

Inspection Number: 315516005
Inspection Dates: 11/07/2011-02/16/2012
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Springfield, MA 01103
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Citation and Notification of Penalty

Company Name: HORN PACKAGING CORPORATION
Inspection Site: 580 FORT POND ROAD, LANCASTER, MA 01523-2224

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

a) Horn Packaging Corp: On or about 11/7/11 the employer had not conducted periodic inspections of their lockout tagout/hazardous energy control procedures at least annually to ensure that the procedures and the requirements of this standard were being properly followed.

Date By Which Violation Must be Abated:	06/04/2012
Proposed Penalty:	\$ 6300.00

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

29 CFR 1910.147(c)(6)(ii): The employer did not certify that periodic inspections of the energy control procedures had been performed:

a) Horn Packaging Corp: On or about 11/7/11 the employer had not certified in accordance with this subpart that periodic inspections of their hazardous energy control procedures had been performed.

Date By Which Violation Must be Abated:	06/18/2012
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See pages 1 through 5 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
1441 Main Street

Inspection Number: 315516005
Inspection Dates: 11/07/2011 - 02/16/2012
Issuance Date: 05/01/2012



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Citation and Notification of Penalty

Company Name: HORN PACKAGING CORPORATION
Inspection Site: 580 FORT POND ROAD, LANCASTER, MA 01523-2224

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

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

a) Horn Packaging Corp: On or about 11/7/11 the employer did not provide training as specified by this subpart to employees defined by this standard as "authorized", "affected" and "other" who work with and around machinery and equipment capable of releasing hazardous energy during servicing and maintenance activities.

Date By Which Violation Must be Abated:	06/03/2012
Proposed Penalty:	\$ 6300.00

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

29 CFR 1910.147(c)(7)(iv): The employer did not certify that employee training had been accomplished and kept up to date:

a) Horn Packaging Corp; On or about 11/7/11 the Employer did not certify that employees working with or around hazardous machinery and equipment had been provided with hazardous energy control (lockout tagout) training as specified by this subpart.

Date By Which Violation Must be Abated:	06/04/2012
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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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1441 Main Street

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Citation and Notification of Penalty

Company Name: HORN PACKAGING CORPORATION
Inspection Site: 580 FORT POND ROAD, LANCASTER, MA 01523-2224

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

Citation 1 Item 4a Type of Violation: Serious

29 CFR 1910.147(f)(2)(i): When outside personnel were engaged in activities covered by the scope and application of the standard, the onsite employer and the outside employer did not inform each other of their respective lockout or tagout procedures:

a) Horn Packaging Corp: On or about October 2011 through November 4, 2011, the employer utilized the services of multiple outside contractor's personnel for the disassembly of the Ward Corrugated Box Making Machine at the Ayer, MA facility to relocate it and reassemble it at the Lancaster MA facility, and the employer and the on site contractors did not inform each other of their respective hazardous energy control procedures.

Date By Which Violation Must be Abated:	06/04/2012
Proposed Penalty:	\$ 6300.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation and Notification of Penalty

Company Name: HORN PACKAGING CORPORATION
Inspection Site: 580 FORT POND ROAD, LANCASTER, MA 01523-2224

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

29 CFR 1910.147(f)(2)(ii): The onsite employer did not ensure that his or her employees understood and complied with restrictions and prohibitions of the outside employer's energy control program:

a) Horn Packaging Corp: On or about October 2011 through November 4, 2011, the employer utilized the services of multiple outside contractor's personnel for the disassembly of the Ward Corrugated Box Making Machine at the Ayer, MA facility to relocate it and reassemble it at the Lancaster MA facility, and the onsite employer did not ensure that his or her own employees were aware of, understood and complied with restrictions and prohibitions of the outside employer's hazardous energy control program.

Date By Which Violation Must be Abated: 06/04/2012

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

29 CFR 1910.147(f)(3)(ii) (C): When more than one crew, craft, department, etc. was involved, the employer failed to assign overall job responsibility for coordinating affected workforces and ensuring continuity of protection (overall group lockout or tagout device control) to a designated authorized employee:

a) Horn Packaging Corp, Ward Corrugated Box Making machine: On or about October 2011 through November 4, 2011, The Ward Corrugated Box Making Machine was moved from the company's Ayer, MA location to their Lancaster, MA location which required substantial disassembly, reassembly and repairs covered by the requirements of the hazardous energy control (lockout/tagout) standard and the employer did not assign overall job responsibility for coordinating all the affected involved employees and to ensure the continuity of protection. As a result of this failure, the machine was returned to regular service without it being inspected by an authorized employee to ensure that all non-essential items had been removed, and that all machine equipment or components were operationally intact.

Date By Which Violation Must be Abated: 06/04/2012
Proposed Penalty: \$ 6300.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Inspection Number: 315516005
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Citation and Notification of Penalty

Company Name: HORN PACKAGING CORPORATION
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

Citation 1 Item 6a 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, in-going nip points, rotating parts, flying chips and sparks:

a) Horn Packaging Corp, Corrugated Department, Ward Corrugated Box Making Machine: On or about 11/7/11 one or more methods of machine guarding was not provided to prevent employee access to the slitter section of the Ward Corrugated Box Making Machine during production operations to prevent exposure to rotating parts, and ingoing nip points.

Date By Which Violation Must be Abated:	06/04/2012
Proposed Penalty:	\$ 6300.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
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Citation and Notification of Penalty

Company Name: HORN PACKAGING CORPORATION
Inspection Site: 580 FORT POND ROAD, LANCASTER, MA 01523-2224

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

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

a) Horn Packaging Corp, Corrugated Department, Ward Corrugated Box Making Machine: On or about 11/7/11 one or more methods of machine guarding was not provided to prevent employee access to the slitter section of the Ward Corrugated Box Making Machine during production operations to prevent employee exposure to the slitter knives point of operation.

Date By Which Violation Must be Abated: 06/04/2012

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

29 CFR 1910.219(c)(2)(i): Exposed part(s) of horizontal shafting were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

a) Horn Packaging Corp, Corrugated Department, Ward Corrugated Box Making Machine: On or about 11/7/11, two exposed 2 inch diameter horizontal drive shafts, one 46 inches long and the other 54 inches long that power the machines folder section were not protected by stationary casings or shaft enclosures as specified by this subpart.

Date By Which Violation Must be Abated: 06/04/2012
Proposed Penalty: \$ 6300.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Issuance Date: 05/01/2012



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Citation and Notification of Penalty

Company Name: HORN PACKAGING CORPORATION
Inspection Site: 580 FORT POND ROAD, LANCASTER, MA 01523-2224

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

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven feet or less above floors or platforms were not enclosed:

a) Horn Packaging Corp, Corrugated Department: On or about 11/07/11, the Ward Corrugated Box Making Machine's two anilox chain drives and sprockets were not protected with enclosures or other means of guarding.

Date By Which Violation Must be Abated:	05/16/2012
Proposed Penalty:	\$ 4500.00

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

29 CFR 1910.305(b)(2)(i): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

a) Horn Packaging Corp, Corrugated Department: On or about 11/7/11, a metal junction box located on the blower motor for the Ward Corrugated Box Making Machine's main drive motor had exposed energized wiring of 460 volts AC and was not provided with a protective cover.

Date By Which Violation Must be Abated:	05/09/2012
Proposed Penalty:	\$ 4500.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
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Inspection Number: 315516005
Inspection Dates: 11/07/2011 - 02/16/2012
Issuance Date: 05/01/2012



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Citation and Notification of Penalty

Company Name: HORN PACKAGING CORPORATION
Inspection Site: 580 FORT POND ROAD, LANCASTER, MA 01523-2224

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

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f) - Labels and other forms of warning; (g) - Material safety data sheets; and (h) - Employee information and training, will be met:

a) Horn Packaging Corp: On or about 11/7/11 the employer had not developed and implemented a written hazard communication program in accordance with this subpart to address the use of hazardous chemicals such as but not limited to inks, solvents, adhesives and maintenance related substances used in the manufacturing of corrugated cardboard boxes and other packaging materials.

Date By Which Violation Must be Abated:	06/04/2012
Proposed Penalty:	\$ 3600.00

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

29 CFR 1910.1200(h): Employees were not provided information and training as specified in 29 CFR 1910.1200(h)(1) and (2) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

a) Horn Packaging Corp: On or about 11/7/11 employees were not provided training in accordance with this subpart on the hazards posed by the hazardous substances in their work areas at the time of their assignment or whenever a new hazard was introduced into their work area. Employees at the facility work with a variety of hazardous substances covered by this requirement that include, but are not limited to: inks, solvents, adhesives, water treatment chemicals and building and machine maintenance chemicals.

Date By Which Violation Must be Abated:	06/04/2012
Proposed Penalty:	\$ 3600.00

See pages 1 through 5 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
1441 Main Street

Inspection Number: 315516005
Inspection Dates: 11/07/2011 - 02/16/2012
Issuance Date: 05/02/2012



Room 550
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Citation and Notification of Penalty

Company Name: HORN PACKAGING CORPORATION
Inspection Site: 580 FORT POND ROAD, LANCASTER, MA 01523-2224

Citation 2 Item 1 Type of Violation: Willful

29 CFR 1910.219(c)(2)(i): Exposed part(s) of horizontal shafting were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

a) Horn Packaging Corp: On or about 11/03/11 and until the time of an 11/07/11 fatal accident, the Ward Corrugated Box Making Machine was operated with an exposed horizontal drive shaft powering the machine's counter ejector section which was not protected with a stationary casing or enclosure guard covering all exposed parts of the rotating shaft.

Date By Which Violation Must be Abated:	05/08/2012
Proposed Penalty:	\$ 70000.00



Mary E. Hoyer
Area Director

See pages 1 through 5 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
1441 Main St.
Room 550
Springfield, MA 01103
Phone: (413)785-0123 FAX: (413)785-0136



INVOICE/ DEBT COLLECTION NOTICE

Company Name: HORN PACKAGING CORPORATION
Inspection Site: 580 FORT POND ROAD, LANCASTER, MA 01523-3224
Issuance Date: 05/02/2012

Summary of Penalties for Inspection Number 315516005

Citation 1, Serious	= \$	60300.00
Citation 2, Willful	= \$	70000.00
TOTAL PROPOSED PENALTIES	= \$	130300.00

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 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.

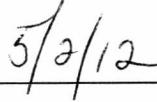
Interest. Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 5%. Interest 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 five percent (5%) 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.



Mary E. Hoyer
Area Director



Date