

U.S. Department of Labor
Occupational Safety and Health Administration
43 Kline Village
Harrisburg, PA 17104
Phone: 717-782-3902 Fax: 717-782-3746



Citation and Notification of Penalty

To:
J. Walter Miller Company
411 East Chestnut Street
Lancaster, PA 17602

Inspection Number: 1091473
Inspection Date(s): 09/09/2015 - 09/09/2015
Issuance Date: 03/09/2016

Inspection Site:
411 East Chestnut Street
Lancaster, PA 17602

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

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

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

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

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

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

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

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

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

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

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

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/09/2016. The conference will be held by telephone or at the OSHA office located at 43 Kline Village, Harrisburg, PA 17104 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1091473

Company Name: J. Walter Miller Company
Inspection Site: 411 East Chestnut Street, Lancaster, PA 17602
Issuance Date: 03/09/2016

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, 43 Kline Village, Harrisburg, PA 17104**

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: J. Walter Miller Company
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Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.95(b)(1): When employees were subjected to sound exceeding those listed in Table G-16, feasible administrative or engineering controls were not utilized:

- a) Cut Off Area - An employee, operating the Cut Off Saw, was sampled for occupational noise exposure on October 21, 2015, for 480 minutes, at a level of approximately 473% of the allowable dose. This was equivalent to an exposure of approximately 101 decibels A-Scale [dBA] 8-hour Time-Weighted Average [TWA], in excess of the OSHA PEL of 90 dBA, which was capable of causing hearing loss. The employer had not ensured that feasible engineering and administrative controls, including but not limited to the installation of isolation barriers, baffles, sound-absorbing, or sound-damping materials were implemented to reduce employees exposure to occupational noise.
- b) Production Area - An employee, operating the Disa Shaker, was sampled for occupational noise exposure on October 21, 2015, for 480 minutes, at a level of approximately 199% of the allowable dose. This was equivalent to an exposure of approximately 95 decibels A-Scale [dBA] 8-hour Time-Weighted Average [TWA], in excess of the OSHA PEL of 90 dBA, which was capable of causing hearing loss. The employer had not ensured that feasible engineering and administrative controls, including but not limited to the installation of isolation barriers, baffles, sound-absorbing, or sound-damping materials were implemented to reduce employees exposure to occupational noise.
- c) Finishing Department - An employee, Blast Operator of Churns, was sampled for occupational noise exposure on October 21, 2015, for 480 minutes, at a level of approximately 157% of the allowable dose. This was equivalent to an exposure of approximately 93 decibels A-Scale [dBA] 8-hour Time-Weighted Average [TWA], in excess of the OSHA PEL of 90 dBA, which was capable of causing hearing loss. The employer had not ensured that feasible engineering and administrative controls, including but not limited to the installation of isolation barriers, baffles, sound-absorbing, or sound-damping materials were implemented to reduce employees exposure to occupational noise.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement

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



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documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

Among other feasible means of abatement the employer could hang an overlapped transparent PVC curtain between the operator and the Cut Off Saw Wheel, apply vibration damping material on the containment hood panels, and/or place a transparent isolation barrier between the 2 Cut Off Stations. The employer could hang an overlapped transparent PVC curtain from the 3-4 feet above the head of the Disa Shaker Operator down to about 1-foot below the shaker mechanisms around the perimeter of each shaker station, leaving the opening to the exhaust ventilation open. The employer could apply vibration damping material on the containment hood panels, and/or place a transparent isolation barrier between the Blast Station and the adjacent Grinding Stations. The employer could apply noise damping to the vibrating ventilation ducts running throughout the Production Area and/or place transparent isolation barriers around the shaker stations. The employer could hang an overlapped transparent PVC curtain from the 3-4 feet above the grinding belt to about 1-foot below the grinding belt around the entire perimeter of each grinding station. The isolation curtains would contain the sound pressure waves from each grinding station, muffling and blocking them as well as prevent the reflection and amplification of noise from the surrounding machines as the as the sound pressure waves interact with the surrounding walls would help limit the total employee noise exposures.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/13/2016
Proposed Penalty:	\$4900.00

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Citation and Notification of Penalty

Company Name: J. Walter Miller Company
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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 or illness.

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

29 CFR 1910.1025(c)(2): Employee(s) were exposed to lead for more than eight -8 hours during the work day in excess of the reduced permissible exposure limit:

a) In the Production Area - An employee, the Disa Pourer, was exposed to lead at a 10-Hour Time-Weighted Average (TWA) of 295 micrograms per cubic meter of air (ug/m3), approximately 7.36 times the 10-Hour Permissible Exposure Limit (PEL) of 40 ug/m3; the limit established to prevent lead poisoning. The exposure level was derived from three samples collected over a 588-minute period, during one work shift on October 21, 2015. Zero exposure was assumed for the unsampled time period of 12 minutes.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/13/2016
\$4900.00



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
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Citation 1 Item 2 b Type of Violation: **Serious**

29 CFR 1910.1025(e)(1)(i): For any employees exposed to lead above the permissible exposure limit for more than 30 days per year where engineering and work practice controls (including administrative controls) were feasible but did not reduce the employees' exposure to or below the permissible exposure limit the employer did not use engineering and/or work practice controls to reduce exposures to the lowest feasible level:

a) In the Production, Cut Off, and Finishing Areas - On or about October 21, 2015, the employer failed to implement feasible engineering or work practice controls (including administrative controls) to reduce or maintain employees' exposure to airborne lead concentrations below the 10-Hour Time-Weighted Average Permissible Exposure Limit concentration of 40 micrograms per cubic meter of air (40 ug/m³) for the employees exposed to airborne lead concentrations above the Permissible Exposure Limit more than 30 days per year.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

Feasible means of abatement include, but are not limited to the following:

1. Install local exhaust ventilation over the ladle to move along the hoist track in order to capture the lead fume escaping the pour ladle.
2. Cover ALL of the dross pot containers in order to contain the fumes liberated from the alloy dross from the furnaces and the pour ladle.
3. Hang an overlapped transparent PVC curtain from the 3-4 feet above the head of the Disa Shaker Operator down to about 1-foot below the shaker mechanisms around the perimeter of each shaker station in order to prevent fugitive leaded pour ladle fumes from being drawn over to the Disa Shaker

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



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Operator's breathing zone by the Disa shaker exhaust ventilation, leaving the opening to the Disa shaker's exhaust ventilation open.

4. Have the current ventilation system's effectiveness, duct capture velocities, and ventilation system efficiencies evaluated by an outside engineering firm that specializes in toxic fume and combustible dust ventilation engineering in order to develop a ventilation system streamlining and efficiency improvement plan.
5. Hang an overlapped transparent PVC curtain between the operator and the Cut Off Saw Wheel in order to deflect the cut off tailings from the Operator's breathing zone, install focused local exhaust ventilation on each side of the Cut Off Saw Wheel in order to collect the cut off tailings, and/or place a transparent isolation barrier between the 2 Cut Off Stations to prevent cross-contamination from the cut off tailings.
6. Hang an overlapped transparent PVC curtain from the 3-4 feet above the grinding belt to about 1-foot below the grinding belt around the entire perimeter of each grinding station in order to prevent cross-contamination of the grind tailings between grinders and/or install more focused local exhaust ventilation at the point of operation on the grinding belt in order to collect the grind tailings.
7. Establish and enforce the work practice control of regular pour ladle lid and fiberglass wool replacement to provide better fume seals, and/or establish and enforce the work practice control of keeping the fugitive pour ladle fume out of the pourer's breathing zone while they raise or lower the pour ladle on the hoist.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/13/2016

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Company Name: J. Walter Miller Company
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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 or illness.

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

29 CFR 1910.1025(d)(1)(ii): Full shift personal samples for lead exposure were not collected including at least one sample for each shift for each job classification in each work area:

a) In the Production, Cut Off, and Finishing Areas - On or about October 21, 2015, no initial determination of the extent of the area supervisors' personal airborne lead exposure concentrations had been done to determine if any of the supervising employees, working without respiratory protection in lead overexposure-regulated areas, were exposed to airborne lead concentrations at or above the action level of 30 micrograms per cubic meter of air (30 ug/m3) collected and averaged over the employees' full 10-hour workshift.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/13/2016
Proposed Penalty:	\$3500.00



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
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Citation 1 Item 3 b Type of Violation: **Serious**

29 CFR 1910.1025(d)(1)(iii): Full shift personal samples were not representative of the monitored employee's regular, daily exposure to lead:

a) In the Production, Cut Off, and Finishing Areas - On or about October 21, 2015, the employer failed to ensure that the employees' personal air samples taken to determine the extent of their regular daily airborne lead exposure concentrations had been collected and averaged over the employees' full 10-hour workshift in that the quarterly personal air samples collected over 2014 and 2015 were only collected for durations between 7 and 8 hours of the employees' regular 10-hour workshift.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/13/2016



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
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Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.1025(e)(3)(ii): The written compliance program for lead did not include at least the information required in paragraphs 1910.1025(e)(3)(ii)(A) thru (H):

a) In the Production, Cut Off, and Finishing Areas - On or about October 21, 2015, the employer failed to establish and implement a complete written compliance program to reduce airborne lead exposures to or below the permissible exposure limit solely by means of engineering and work practice controls in accordance with 29 CFR Part 1910.1025(e)(3)(ii)(A)-(H) in that:

1. The lead compliance program emission operation description did not detail the make and model of the machinery used in the lead emitting processes, the specific lead-containing materials processed, the specific types and effectiveness of the airborne lead exposure-reducing engineering controls in place, the specific crew sizes in the lead-exposure areas, the airborne lead-exposed employee job responsibilities, or the specific operating procedures and maintenance practices used by department to reduce the employees' airborne lead exposures;
2. The lead compliance program description of the means of achieving compliance with the applicable permissible exposure limit did not detail the engineering plans and studies used to determine the specific engineering and work practice control methods selected for controlling the employees' airborne lead exposures;
3. The lead compliance program did not include a report of the specific technology considered in trying to meet the permissible exposure limit;
4. The lead compliance program air monitoring data did not document the specific lead-emission sources for each employee in the airborne lead exposure areas;
5. The lead compliance program did not include a detailed schedule for implementation of the exposure control program or improvements, modifications, and upgrades in the exposure control program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

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



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6. The lead compliance program did not completely nor sufficiently detail the specifics of the written work practice control program by each department with airborne lead exposures above the applicable permissible exposure limit that would be used to satisfy the requirements of 29 CFR Part 1910.1025(g) personal protective equipment provision, use, and care, (h) lead housekeeping schedules, methods, and practices, and (i) hygiene facilities and practices required and provided to reduce the employees' airborne and surface lead exposures;

7. The lead compliance program did not detail an administrative control schedule that would be used to reduce the employees' airborne lead exposures in each department with airborne lead exposures over the applicable permissible exposure limit.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/13/2016
Proposed Penalty:	\$2100.00



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
Inspection Site: 411 East Chestnut Street, Lancaster, PA 17602

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

29 CFR 1910.1025(f)(2)(i): The employer did not implement a respiratory protection program in accordance with 29 CFR 1910.134(b) through (d) (except (d)(1)(iii)), and (f) through (m) for each employee required by 29 CFR 1910.1025 to use a respirator:

a) In the Production, Cut Off, and Finishing Areas - On or about October 21, 2015, the employer failed to establish and implement a complete respiratory protection program in accordance with 29 CFR 1910.134(c) Respiratory Protection Program; (g) Respirator Use; (h) Respirator Maintenance and Care; (k) Respirator Training; and (l) Respirator Program Evaluation, for employees, exposed to airborne lead concentrations at or above the 10-Hour Time-Weighted Average Permissible Exposure Limit concentration of 40 micrograms per cubic meter of air (40 ug/m³), in that:

1. The employer failed to establish and implement procedures for regularly evaluating the effectiveness of the respiratory protection program.
2. The employer allowed employees to lift their loose-fitting facepiece of their powered air purifying respirators with P100 HEPA filters within the lead overexposure-regulated area.
3. The employer had not implemented respirator work rules which ensured the respirators were properly stored to protect them from cross-contamination of lead and cadmium-contaminated dust because the loose-fitting powered air purifying respirators with P100 HEPA filters were stored in open-air mesh cages in the 'dirty' locker room.
4. The employer failed to conduct workplace evaluations in order to ensure that employees used the provided respiratory protection properly and were consulted on the effectiveness of the provided respiratory protection.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

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

Inspection Number: 1091473
Inspection Date(s): 09/09/2015 - 09/09/2015
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Company Name: J. Walter Miller Company
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ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/13/2016
Proposed Penalty:	\$3500.00

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



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
Inspection Site: 411 East Chestnut Street, Lancaster, PA 17602

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

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

29 CFR 1910.1025(g)(2)(vii)(A): Containers of contaminated protective clothing and equipment required by 29 CFR 1910.1025 (g)(2)(v) were not labeled as follows: DANGER: CLOTHING AND EQUIPMENT CONTAMINATED WITH LEAD. MAY DAMAGE FERTILITY OR THE UNBORN CHILD. CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM. DO NOT EAT, DRINK OR SMOKE WHEN HANDLING. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS:

a) In the Production, Cut Off, and Finishing Areas and Locker Room - On or about October 21, 2015, the employer failed to ensure that all bags or containers of lead-contaminated clothing and equipment were labeled as required. The employer's label stated the following: DANGER: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/04/2016
Proposed Penalty:	\$2100.00



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
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Citation 1 Item 6 b Type of Violation: **Serious**

29 CFR 1910.1027(k)(7): Waste, scrap, debris, bags, containers, personal protective equipment, and clothing contaminated with cadmium and consigned for disposal were not collected and disposed of in sealed impermeable bags or other closed, impermeable containers. These bags and containers were not labeled in accordance with 29 CFR Part 1910.1027(m)(3)(ii) with the following: DANGER, CONTAINS CADMIUM, MAY CAUSE CANCER, CAUSES DAMAGE TO LUNGS AND KIDNEYS, AVOID CREATING DUST:

a) In the Production, Cut Off, and Finishing Areas and Locker Room - On or about October 21, 2015, the employer failed to ensure that all cadmium-contaminated bags or containers of cadmium-contaminated waste, bags, containers, personal protective equipment, and clothing consigned for disposal were labeled with the required warning.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/04/2016



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
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Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.1025(i)(1): The employer did not ensure that food or beverage was not present, or consumed; tobacco products were not present, or used and cosmetics were not applied in areas where employees were exposed to lead in excess of the permissible exposure limit:

a) In the Production, Cut Off, and Finishing Areas - On or about October 21, 2015, the employer failed to ensure that employees did not possess or consume food or beverages in lead overexposure-regulated areas where employees were exposed to airborne lead concentrations at or above the 10-Hour Time-Weighted Average Permissible Exposure Limit concentration of 40 micrograms per cubic meter of air (40 ug/m³) because there was an operational drinking fountain being used throughout the day less than 10 feet from the unventilated Disa pigging station.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/04/2016
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
Inspection Site: 411 East Chestnut Street, Lancaster, PA 17602

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 8 a Type of Violation: **Serious**

29 CFR 1910.1025(i)(4)(iv): Employees entering lunchroom facilities with protective work clothing or equipment were not required to remove surface lead dust by vacuuming, downdraft booth, or other cleaning method(s):

a) In the Break Room - On or about October 21, 2015, the employer failed to ensure that surface lead contamination had been removed from the protective work clothing worn into the Break Room facilities because there was no vacuum, down draft booth, or other cleaning method available at the entrance to the Break Room.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

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

29 CFR 1910.1027(j)(4)(ii): The employer did not ensure that employees did not enter lunchroom facilities with protective work clothing or equipment without the surface cadmium being removed from the clothing and equipment by HEPA vacuuming or some other method that removes cadmium dust without dispersing it:

a) In the Break Room - On or about October 21, 2015, the employer failed to ensure that surface cadmium contamination had been removed from the protective work clothing worn into the Break Room facilities because there was no HEPA vacuum or other method to remove cadmium-contaminated dust without dispersing it available for employees' use at the entrance to the Break Room.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/04/2016



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
Inspection Site: 411 East Chestnut Street, Lancaster, PA 17602

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 9 a Type of Violation: **Serious**

29 CFR 1910.1025(l)(1)(i): Employee(s) working in an area where there is potential exposure to airborne lead at any level were not informed of the complete content of Appendices A and B of 29 CFR 1910.1025:

- a) Throughout the Worksite - On or about October 21, 2015, the employer had not ensured that employees, working where there was a potential airborne exposure to lead at any level were informed of the content of 29 CFR Part 1910.1025 Appendices A and B.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/13/2016
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
Inspection Site: 411 East Chestnut Street, Lancaster, PA 17602

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

29 CFR 1910.1025(l)(1)(v): Employees exposed to lead at or above the action level, or for whom the possibility of skin or eye irritation existed, were not informed of the required elements in section (l)(1)(v)(A) thru (G):

a) In the Production Area - On or about October 21, 2015, the employer failed to ensure that employees, exposed to airborne lead concentrations at or above the action level concentration of 30 micrograms per cubic meter of air (30 ug/m³), were informed of the required elements of 29 CFR 1910.1025(l)(1)(v)(A)-(G).

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/13/2016



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
Inspection Site: 411 East Chestnut Street, Lancaster, PA 17602

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

29 CFR 1910.1027(m)(4): The employer did not institute and ensure participation in an understandable training program for employees potentially exposed to cadmium in that they were not informed of the required elements in section (m)(4)(iii)(A) thru (H) with a retained record of the covered content prior to assignment to and at least annually thereafter for work activities in cadmium exposure areas:

a) In the Production Area - On or about October 21, 2015, the employer failed to ensure that employees, exposed to airborne cadmium concentrations above the action level concentration of 2.5 micrograms per cubic meter of air (2.5 ug/m³), could demonstrate knowledge of the information outlined in 29 CFR 1910.1027(m)(4)(iii)(A)-(H).

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/13/2016



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
Inspection Site: 411 East Chestnut Street, Lancaster, PA 17602

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

29 CFR 1910.1027(d)(1)(i): The employer did not determine whether any employee was exposed to cadmium at or above the action level:

a) In the Production, Cut Off, and Finishing Areas - On October 21, 2015, air monitoring determined that a metal pourer was exposed to airborne cadmium in excess of the OSHA Action level. Prior to this OSHA monitoring, no initial determination of the extent of airborne cadmium exposure had been done to determine if any employees were exposed to airborne cadmium concentrations at or above the action level of 2.5 micrograms per cubic meter of air (2.5 ug/m3).

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/13/2016
Proposed Penalty:	\$3500.00



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
Inspection Site: 411 East Chestnut Street, Lancaster, PA 17602

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 1910.1027(I)(1)(i)(A): The employer did not institute a medical surveillance program for all employees who were or potentially were exposed to cadmium at or above the action level on 30 or more days per year (twelve consecutive months):

a) In the Production Area - On or about October 21, 2015, a metal pourer was exposed to airborne cadmium in excess of the Action Level. The employer failed to institute a medical surveillance program for employees in this job, currently exposed to airborne cadmium concentrations at or above the action level concentration of 2.5 micrograms per cubic meter of air (2.5 ug/m3) for more than 30 days per year.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/13/2016
Proposed Penalty:	\$3500.00



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
Inspection Site: 411 East Chestnut Street, Lancaster, PA 17602

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

29 CFR 1910.1027(l)(1)(i)(B): The employer did not institute a medical surveillance program for all employees who could previously have been exposed to cadmium at or above the action level for an aggregated total of more than 60 months:

a) In the Production Area - On or about October 21, 2015, the employer failed to institute a medical surveillance program for all employees, potentially previously exposed to airborne cadmium concentrations at or above the action level concentration of 2.5 micrograms per cubic meter of air (2.5 ug/m³) more than 30 days per year for an aggregated total of more than 5 years.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/13/2016



Citation and Notification of Penalty

Company Name: J. Walter Miller Company
Inspection Site: 411 East Chestnut Street, Lancaster, PA 17602

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

29 CFR 1910.1025(g)(1)(ii): Appropriate protective work clothing and equipment was not provided when employee(s) were exposed to lead above the permissible exposure limit (PEL), without regard to the use of respirators, or where the possibility of skin or eye irritation exists, such as shoes or disposable shoe coverlets:

a) In the Production, Cut Off, and Finishing Areas - On or about October 21, 2015, the employer failed to provide adequately protective foot wear at no cost to employees, exposed to airborne lead concentrations at or above the 10-Hour Time-Weighted Average Permissible Exposure Limit concentration of 40 micrograms per cubic meter of air (40 ug/m3).

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/13/2016

Proposed Penalty:

\$0.00



Kevin Kilp
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
43 Kline Village
Harrisburg, PA 17104
Phone: 717-782-3902 Fax: 717-782-3746



INVOICE / DEBT COLLECTION NOTICE

Company Name: J. Walter Miller Company
Inspection Site: 411 East Chestnut Street, Lancaster, PA 17602
Issuance Date: 03/09/2016

Summary of Penalties for Inspection Number	1091473
Citation 1, Serious	\$42700.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$42700.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

account, the bank will attempt to make the transfer up to 2 times.

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

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

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

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



Kevin Kilp
Area Director

3-9-2016
Date