

U.S. Department of Labor
Occupational Safety and Health Administration
FEDERAL OFFICE BUILDING RM 899
1240 EAST 9TH STREET
CLEVELAND, OH 44199-2050
Phone: (216) 615-4266 FAX: (216) 615-4234



Citation and Notification of Penalty

To:
Ohio Aluminum Industries, Inc.
and its successors
4840 Warner Road
Garfield Heights, OH 44125

Inspection Number: 315367334
Inspection Date(s): 04/04/2011- 06/29/2011
Issuance Date: 08/08/2011

Inspection Site:
4840 Warner Road
Garfield Heights, OH 44125

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 page 4 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 your inspection will be available 30 calendar days after the Citation Issuance Date.ress 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 your inspection will be available 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 08/08/2011. The conference will be held at the OSHA office located at FEDERAL OFFICE BUILDING RM 899, 1240 EAST 9TH STREET, CLEVELAND, OH, 44199-2050 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Ohio Aluminum Industries, Inc.
Inspection Site: 4840 Warner Road, Garfield Heights, OH 44125

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: 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 process equipment such as, but not limited to the Goff six cube barrel shot blast, the exhaust ventilation system and the dust collector, in which there was a potential for a combustible dust explosion, deflagration, and/or fire which did not have explosion protection systems:

Among other methods, feasible and acceptable methods to correct this hazard are:

1. Add explosion protection systems to the Goff shot blast, exhaust ventilation, and dust collector such as, but not limited to, deflagration venting, deflagration suppression, explosion relief valves, flame front diverters, flashback arrestors, or isolation valves;
2. Move the Goff shot blast dust collector outside the facility or replace it with a wet collector;
3. Conduct and implement the recommendations of a process hazards analysis, completed by an individual knowledgeable about combustible dust and NFPA 484, Standard for Combustible Metals, and/or comply with the prescriptive provision of Chapters 6 and 13 of NFPA 484.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	09/10/2011
Proposed Penalty:	\$ 4200.00

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: Ohio Aluminum Industries, Inc.
Inspection Site: 4840 Warner Road, Garfield Heights, OH 44125

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: 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 equipment which generate wood dust such as, but not limited to sanders, table saws, bandsaws, planers, jointer/planers, grinders, drill presses, and the exhaust ventilation system associated with them, in which there was a potential for a combustible dust explosion, deflagration, and/or fire which did not have explosion protection systems:

Among other methods, feasible and acceptable methods to correct this hazard are:

1. Add explosion protection systems to the equipment and exhaust ventilation such as, but not limited to, deflagration venting, deflagration suppression, explosion relief valves, flame front diverters, flashback arrestors, or isolation valves;
2. Equip the dust collector to the exhaust ventilation system with explosion protection systems and/or separate or segregate it from other operations;
3. Conduct and implement the recommendations of a process hazards analysis, completed by an individual knowledgeable about combustible dust and NFPA 664, Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities, and/or comply with the prescriptive provision of Chapters 4 through 11 of NFPA 664.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	09/10/2011
Proposed Penalty:	\$ 4200.00

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: Ohio Aluminum Industries, Inc.
Inspection Site: 4840 Warner Road, Garfield Heights, OH 44125

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

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

29 CFR 1910.22(a)(1): Place(s) of employment were not kept clean and orderly, or in a sanitary condition:

On April 4, 2011, there was a significant accumulation of wood dust in the pattern shop on many surfaces.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	08/26/2011
Proposed Penalty:	\$ 3000.00

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

29 CFR 1910.22(a)(2): Floor(s) of workroom(s) were not maintained, so far as possible, in a clean condition:

On April 4, 2011, there was a significant accumulation of wood dust on the floor of the pattern shop.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	08/26/2011
--	-------------------

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: Ohio Aluminum Industries, Inc.
Inspection Site: 4840 Warner Road, Garfield Heights, OH 44125

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

29 CFR 1910.95(b)(1): Employees were subjected to sound levels exceeding those listed in Table G-16 of Subpart G of 29 CFR 1910 and feasible administrative or engineering controls were not utilized to reduce sound levels:

On June 29, 2011, a sand molder was exposed to continuous noise at 179.1% of the permissible eight-hour noise exposure of 90 dBA, equivalent to a time-weighted average level of approximately 94.2 dBA, in a sampling period of 374 minutes with a zero increment included in the calculation for the 106 minutes unsampled.

Note: Methods of abatement include but are not limited to the following:

1. Addition and maintenance of noise-reduction mufflers on the air exhaust ports of the sand molding equipment;
2. Replacement of the nozzles on the compressed air blow-off wands with noise-reducing nozzles.

ABATEMENT STEPS:

STEP 1: Submit to the Area Director a written detailed plan of abatement outlining a schedule for the implementation of engineering and/or administrative measures to control employee exposure to noise as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with the dates required by this citation.

- 1) Evaluation of engineering control options.
- 2) Selection of optimum control method and completion of design.
- 3) Procurement, installation and operation of selected control measures.
- 4) Testing and acceptance or modifications/redesign of controls.

All proposed control measure shall be evaluated for each particular use by a competent Industrial Hygienist or other technically qualified person. Abatement must be completed by August 21, 2011

STEP 2: Abatement should have been completed by the implementation of feasible engineering and/or administrative controls upon verification of their effectiveness in achieving compliance. Abatement must be completed by September 10, 2011

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: Ohio Aluminum Industries, Inc.
Inspection Site: 4840 Warner Road, Garfield Heights, OH 44125

Abatement documentation required on this item.

Date By Which Violation Must be Abated: 09/10/2011
Proposed Penalty: \$ 4500.00

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

29 CFR 1910.119(e)(3)(iii): The process hazard analysis did not address the engineering and administrative controls applicable to the hazards and their interrelationships, such as, appropriate application of detection methodologies to provide early warning of releases:

As of May 26, 2011, the process hazard analysis did not address continuous monitoring of sulfur dioxide in the core making process with instrumentation with automatic alarms and interlocked controls.

Abatement documentation required on this item.

Date By Which Violation Must be Abated: 09/10/2011
Proposed Penalty: \$ 6300.00



Citation and Notification of Penalty

Company Name: Ohio Aluminum Industries, Inc.
Inspection Site: 4840 Warner Road, Garfield Heights, OH 44125

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

29 CFR 1910.119(e)(6): The employer did not ensure after the initial process hazard analysis that the process hazard analysis was updated and revalidated at least every five (5) years by a team meeting the requirements of 29 CFR 1910.119(e)(4):

As of May 26, 2011, the process hazard analysis of sulfur dioxide in core making had not been updated within five years.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	09/10/2011
Proposed Penalty:	\$ 6300.00

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

29 CFR 1910.119(g)(2): The employer did not provide refresher training at least every three years to the each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process:

As of June 29, 2011, employees exposed to sulfur dioxide during core making had not received updated training under the Process Safety Management standard.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	09/10/2011
Proposed Penalty:	\$ 4500.00

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: Ohio Aluminum Industries, Inc.
Inspection Site: 4840 Warner Road, Garfield Heights, OH 44125

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

29 CFR 1910.119(o)(1): The employer did not certify that they had evaluated compliance with the provisions of 29 CFR 1910.119 at least every three years to verify that the procedures and practices developed under this standard were adequate and are being followed:

As of May 26, 2011, a compliance audit of process safety management procedures and practices for sulfur dioxide in core making had not been completed within three years.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	08/31/2011
Proposed Penalty:	\$ 4500.00



Citation and Notification of Penalty

Company Name: Ohio Aluminum Industries, Inc.
Inspection Site: 4840 Warner Road, Garfield Heights, OH 44125

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

29 CFR 1910.132(a): Protective equipment, including personal protective equipment for the eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, were not provided, used and maintained in a sanitary and reliable condition wherever it was necessary by reason of hazards of processes or environmental, 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:

1. As of April 4, 2011, employees performing activities involving furnace tending and metal pouring were not provided with aluminized aprons and acrylic or 40 mesh screen face shields to protect against burns in the event of a splash, spill or other accident involving molten metal.
2. On June 29, 2011 and July 28, 2011, the operator of the band saw was not provided with cut-resistant gloves.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	08/26/2011
Proposed Penalty:	\$ 4200.00

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

29 CFR 1910.145(c)(3): Safety instruction sign(s) were not used where there was a need for general instructions and suggestions relative to safety measure(s):

As of April 4, 2011, there were no warning signs in the vicinity of the pattern shop and the Goff shot blast to warn employees of the fire and explosion potential of wood dust and aluminum dust.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 3000.00

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: Ohio Aluminum Industries, Inc.
Inspection Site: 4840 Warner Road, Garfield Heights, OH 44125

Citation 1 Item 11 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:

On June 29, 2011, the unused portion of the bandsaw blade was not properly guarded.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	08/16/2011
Proposed Penalty:	\$ 4500.00

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

29 CFR 1910.304(g)(5): The path to ground from circuits, equipment, and enclosures was not permanent and continuous:

As of April 4, 2011, the woodworking equipment in the pattern shop, its exhaust ventilation system, and its dust collector were not grounded.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 4500.00

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: Ohio Aluminum Industries, Inc.
Inspection Site: 4840 Warner Road, Garfield Heights, OH 44125

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

29 CFR 1910.307(c)(2)(i): Equipment was not approved not only for the class of location, but also for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that will be present:

As of April 4, 2011, the electric controls, disconnects, and wiring on the equipment in the pattern shop were not approved for combustible dusts, including but not limited to wood dust.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	08/26/2011
Proposed Penalty:	\$ 4200.00

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: Ohio Aluminum Industries, Inc.
Inspection Site: 4840 Warner Road, Garfield Heights, OH 44125

Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.1200(h)(3)(ii): Employee training did not include the physical and health hazards of the chemicals in the work area:

As of April 4, 2011, employees performing operations involving combustible dusts including but not limited to wood dust in the pattern shop and aluminum dust at the Goff shot blast were not trained on the fire and explosion hazards of those dusts.

Abatement documentation required on this item.

Date By Which Violation Must be Abated:	08/26/2011
Proposed Penalty:	\$ 3000.00

A handwritten signature in black ink, appearing to read "H. Eberts", written over a horizontal line.

Howard B. Eberts
Area Director



U.S. Department of Labor
Occupational Safety and Health Administration
FEDERAL OFFICE BUILDING RM 899
1240 EAST 9TH STREET
CLEVELAND, OH 44199-2050
Phone: (216) 615-4266 FAX: (216) 615-4234
OSHA Website Address: <http://www.osha.gov>

INVOICE/ DEBT COLLECTION NOTICE

Company Name: Ohio Aluminum Industries, Inc.
Inspection Site: 4840 Warner Road, Garfield Heights, OH 44125
Issuance Date: 08/08/2011

Summary of Penalties for Inspection Number 315367334

Citation 1, Serious = \$ **60900.00**
TOTAL PROPOSED PENALTIES = \$ **60900.00**

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 two 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 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.