

U.S. Department of Labor
Occupational Safety and Health Administration
701 Lee Street
Suite 950
Des Plaines, IL 60016
Phone: 847-803-4800 Fax: 847-390-8220



Citation and Notification of Penalty

To:
Orion Industries, Ltd.
5492 Northwest Highway
Chicago, IL 60630

Inspection Number: 1181272
Inspection Date(s): 10/03/2016 - 03/13/2017
Issuance Date: 03/22/2017

Inspection Site:
5492 Northwest Highway
Chicago, IL 60630

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 03/22/2017. The conference will be held by telephone or at the OSHA office located at 701 Lee Street, Suite 950, Des Plaines, IL 60016 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1181272

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630
Issuance Date: 03/22/2017

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, 701 Lee Street, Suite 950, Des Plaines, IL 60016**

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: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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 1 a Type of Violation: **Serious**

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On October 26, 2016, the employer did not ensure that they had established and implemented an adequate, effective written respiratory protection program for all employees in their workplace that complied with all the provisions in 29 CFR 1910.134(c)(1)(i)-(ix) with worksite specific procedures, and which included updates as necessary to reflect changes in workplace conditions that affect respirator use.

Employees performing abrasive blasting operations were provided and required to use 3M 8210 disposable particulate respirators with filtering face piece; Other employees performing tasks including parts cleaning, spray painting and powder coating at stations such as Booth/Oven # 577/377 and 512/312 were provided and required to use Sperian Series 2000 elastomeric half mask respirators with chemical cartridges and filters.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/08/2017
\$9778.00

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: Orion Industries, Ltd.

Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

29 CFR 1910.1026(g)(2): The employer required respirator use for protection against chromium (VI); however, the employer did not institute a respiratory protection program in accordance with the Respiratory Protection standard, 29 CFR 1910.134, which covers each employee required to use a respirator:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not institute an adequate, effective respiratory protection program in accordance with the Respiratory Protection standard, 29 CFR 1910.134 for employees who were required to use respirators for protection at the green mesh painting Booth/Oven #577/377, where there is exposure to hexavalent chromium.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

05/08/2017



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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 1910.134(d)(3)(i): The employer did not provide a respirator that was adequate to protect the health of the employee under routine and reasonably foreseeable emergency situations:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not provide an appropriate respirator to protect employees from exposure to hexavalent chromium. The employee spray painting the mesh in Booth/Oven # 577/377 was required to wear blue Sperian 2000 Series elastomeric half mask respirator that was not adequate to protect against hexavalent chromium exposure of $197 \mu\text{g}/\text{m}^3$, approximately 39.4 times the OSHA Permissible Exposure Limit (PEL) of $5 \mu\text{g}/\text{m}^3$.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/03/2017
\$11408.00



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

29 CFR 1910.134(d)(3)(i)(A): The employer did not select a respirator that meets or exceeds the required level of employee protection:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not select and provide a respirator to employees that meets or exceeds the required level of employee protection. The employee spray painting the mesh in booth/oven # 577/377 was provided a Sperian 2000 Series elastomeric half mask respirator, with an Assigned Protection Factor (APF) of 10, which was not adequate to protect the employee from hexavalent chromium exposures of 197 $\mu\text{g}/\text{m}^3$, approximately 39.4 times the OSHA Permissible Exposure Limit (PEL) of 5 $\mu\text{g}/\text{m}^3$

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

04/03/2017



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.

Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

- a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On October 26, 2016, the employer did not ensure that all Blasting Department employees, including contracted workers (i.e. temporary workers), required to wear disposable 3M 8210 particulate respirators with a filtering facepiece during abrasive blasting operations were provided respiratory medical evaluation(s) to determine the employee's ability to use a respirator before the employee was required to use a respirator in the workplace.
- b) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not ensure that employee(s), including contracted workers (i.e. temporary workers), operating the powder coat booth/oven #512/312, and required to wear a blue Sperian 2000 Series elastomeric half mask respirator were provided respiratory medical evaluation(s) to determine the employee's ability to use a respirator before the employee was required to use a respirator in the workplace.
- c) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not ensure that employee(s), including contracted workers (i.e. temporary workers), operating the mesh spray painting booth/oven # 577/377, and required to wear a blue Sperian Series 2000 elastomeric half mask respirator were provided respiratory medical evaluation(s) to determine the employee's ability to use a respirator before the employee was fit tested in the workplace.
- d) Orion Industries, Ltd., 5492 N. Northwest Highway Chicago, IL- On January 11, 2017, the employer did not ensure that employee(s), including contracted workers (i.e. temporary workers), manually cleaning parts with the solvent hexone (MIBK) and required to wear respiratory protection such as the blue Sperian 2000 Series elastomeric half mask respirator with organic vapor cartridges were provided

See pages 1 through 4 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

Inspection Number: 1181272
Inspection Date(s): 10/03/2016 - 03/13/2017
Issuance Date: 03/22/2017



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

respiratory medical evaluation(s) to determine the employee's ability to use a respirator before the employee required to use the respirator in the workplace.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	04/25/2017
Proposed Penalty:	\$9778.00

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: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

29 CFR 1910.134(f)(2): Employee(s) using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On October 26, 2016, the employer did not ensure that all employees, including contracted workers (i.e. temporary workers) required to wear a disposable 3M 8210 particulate respirator with filtering face piece while working on abrasive blasters in the Blasting Department were fit tested prior to initial use of the respirator and annually thereafter.

b) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not ensure that employee(s), including contracted workers (i.e. temporary workers), required to wear a blue Sperian 2000 Series elastomeric half mask respirator while applying the clear powder coat at booth/oven # 512/312 were fit tested prior to initial use of the respirator and annually thereafter.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

04/25/2017



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

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

29 CFR 1910.134(g)(1)(i)(A): Respirators with tight-fitting facepieces were worn by employees who had facial hair that came between the sealing surface of the facepiece and the face or that interfered with valve function

a) Orion Industries, LTD., 5492 N. Northwest Highway, Chicago, IL- On January 11, 2017, the employer did not ensure that employee(s), including contracted workers (i.e. temporary workers), manually cleaning parts with the solvent hexone (MIBK) and required to wear respiratory protection such as the blue Sperian 2000 Series elastomeric half mask respirator with organic vapor cartridges had no facial hair interfering with the face-to-facepiece seal.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

04/03/2017
\$9778.00



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

29 CFR 1910.134(g)(1)(i)(B): Respirators with tight-fitting facepieces were worn by employees with a condition that interfered with the face-to-facepiece seal or valve function:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On October 26, 2016, a temporary employee working in the Blasting Department was wearing a 3M 8210 disposable particulate respirator with filtering facepiece with both straps over his neck and the top strap over a hat, a condition that interfered with the face-to-facepiece seal.

b) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On January 11, 2017, a temporary employee cleaning parts with the solvent hexone (MIBK) was wearing the blue Sperian 2000 Series elastomeric half mask respirator with organic vapor cartridges with the respirator strap over a knit cap that interfered with the face-to-facepiece seal.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

04/03/2017



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

29 CFR 1910.134(g)(1)(ii): Corrective glasses, goggles or other personal protective equipment were worn in a manner that interfered with the seal of the respirator facepiece:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, a temporary employee spray painting the mesh in Booth/Oven # 577/377 at Orion, was wearing a blue Sperian Series 2000 elastomeric half mask respirator over the disposable tyvek hood which interfered with the face-to-facepiece seal of the respirator.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

04/03/2017



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.

Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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 5 a Type of Violation: **Serious**

29 CFR 1910.134(k)(1)(iv): The employer did not ensure that each user could demonstrate knowledge of how to inspect, put on, remove, use, and check the seals of the respirator:

- a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL, On October 26, 2016, the employer did not ensure that a temporary employee working in the Blasting Department, using a 3M 8210 disposable particulate respirator with filtering facepiece, was provided effective respirator training and was able to use the respirator properly.
- b) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not ensure that a temporary employee working at spray painting the mesh in Booth/Oven # 577/377, using a blue Sperian Series 2000 elastomeric half mask respirator, was provided effective respirator training and was able to use the respirator properly.
- c) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On January 11, 2017, the employer did not ensure that an employee working at manually cleaning parts with the solvent hexone (MIBK), and using the blue Sperian 2000 Series elastomeric half mask respirator with organic vapor cartridges, was provided effective respirator training and was able to use the respirator properly.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

04/25/2017
\$9778.00



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

Chicago, IL 60630

Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

Citation 1 Item 5 b Type of Violation: **Serious**
not conducted when inadequacies in the employee's knowledge and that the employee did not retain the necessary training or skill:

29 CFR 1910.134(k)(5)(ii): Retraining was not conducted when inadequacies in the employee's knowledge or use of the respirator indicated that the employee did not retain the necessary training or skill:
st Highway, Chicago, IL- On October 26, 2016, the employee in the Blasting Department using a 3M 8210 full facepiece respirator, was retrained.

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not ensure that a temporary employee working at spray painting the mesh in Booth/Oven # 577/377 disposable particulate respirator with filter, 2000 elastomeric half mask respirator improperly, was retrained.

b) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On January 11, 2017, an employee at Orion, wearing the blue Sperian Series 2000 elastomeric half mask respirator with organic vapor cartridges improperly, was retrained.

c) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On January 11, 2017, an employee working at manually cleaning parts in the Blasting Department, wearing the blue Sperian 2000 Series elastomeric half mask respirator with organic vapor cartridges improperly, was retrained. (See CITATION WORKSHEET).

In accordance with 29 CFR 1903.19(c), attached is a copy of the employer's written CERTIFICATION OF CORRECTIVE ACTION.

Dated:

04/25/2017

Date By Which Violation Must be Abated:

For information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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 1910.1026(c): The employer did not ensure that no employee was exposed to an airborne concentration of chromium (VI) in excess of 5 micrograms per cubic meter of air ($\mu\text{g}/\text{m}^3$), calculated as an 8-hour time-weighted average (TWA).

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2017 a temporary employee spray painting mesh at Booth/oven #577/377 was exposed to airborne levels of hexavalent chromium at an 8-hour TWA level of $197 \mu\text{g}/\text{m}^3$, which is approximately 39.4 times the OSHA 8-hour TWA Permissible Exposure Limit of $5 \mu\text{g}/\text{m}^3$. This limit is established to prevent irritation of the respiratory system and skin, eye injuries, as well as lung cancer, asthma, and nasal septum perforation and ulceration. The exposure level was derived from a sample taken over a 411 minute period during one shift on November 15, 2016. Zero exposure was assumed for the unsampled period of 69 minutes.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	08/02/2017
Proposed Penalty:	\$11408.00



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

29 CFR 1910.1026(f)(1)(i):

Feasible engineering controls and work practices were not instituted to reduce and maintain employee exposures to chromium (VI) at or below the permissible exposure limit:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, a temporary employee spray painting mesh at Booth/oven #577/377 at was exposed to airborne concentrations of hexavalent chromium at an 8-hour TWA level of $197 \mu\text{g}/\text{m}^3$, which is approximately 39.4 times the OSHA 8-hour TWA Permissible Exposure Limit of $5 \mu\text{g}/\text{m}^3$.

See instance description in item 6a of this citation.

Methods of engineering controls and work practices under these circumstances include, but are not limited to:

- 1) Seek the expertise of a competent individual such as an engineer or certified industrial hygienist to assess existing controls and work practices (including the manual spray rinse operations), obtain recommendations to improve existing controls and work practices, and prepare design documentation for the successful installation of recommended equipment or modifications.
- 2) Install improved mechanical ventilation and filtration system for the spray painting operations to capture mists generated.
- 3) Evaluate the employees work practices. Spray paint in the direction of the spray booth's exhaust intake so that overspray is pulled away from the worker's breathing zone and apply minimum required quantity to avoid overspray.

ABATEMENT NOTE:

STEP 1: Effective respiratory protection shall be used by the affected employees as an interim measure.

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: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

Abatement date: 05/08/2017

Step 2: A written, detailed plan of abatement shall be submitted to the Area Director outlining a schedule for the implementation of engineering controls and work practice measures to control employee exposures to hexavalent chromium as referenced in the citation. This plan shall include, at a minimum, target dates for the following action, which must be consistent with the dates required by this citation:

- (1) Evaluation of engineering controls and work practices.
- (2) Selection of the optimum combination of engineering controls and work practices.
- (3) Installation and operation of the optimum engineering controls and work practices.
- (4) Testing and acceptance, or modification/ redesign of the engineering controls and work practices.

Abatement Date: 06/20/2017

STEP 3: Abatement shall have been completed by the implementation of feasible engineering/administrative controls and/or work practice changes upon verification of their effectiveness in achieving compliance.

Abatement date: 08/02/2017

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

08/02/2017



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

29 CFR 1910.1026(d)(1): The employer with a workplace or work operation covered by this standard did not determine the 8-hour time-weighted average exposure for each employee exposed to chromium (VI):

(a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not conduct an initial determination regarding employee exposures to hexavalent chromium during spray painting operation.

No abatement certification or documentation required for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$11408.00



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

29 CFR 1910.1026(e)(2): The employer did not ensure that a regulated area for chromium (VI) was demarcated from the rest of the workplace in a manner that adequately established and alerted employees of the boundaries of the regulated area:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not ensure that the area for the mesh spray painting operation at Booth/Oven #577/377 was demarcated from the rest of the workplace in a manner that adequately established and alerted employees of the boundaries of the regulated area.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/25/2017
\$9778.00



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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 1910.1026(h)(1): Where hazards were present or were likely to be present from skin or eye contact with chromium (VI), the employer did not provide appropriate personal protective clothing and equipment at no cost to employees, and did not ensure that employees used such clothing and equipment

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not ensure that employees spray painting mesh at Booth/oven #577/377, with paint containing hexavalent chromium, were provided appropriate protective clothing such as coveralls. Employee(s) wore a separate set of street clothes as protective equipment with tyvek hood, tyvek sleeves and gloves to protect from over spray.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/25/2017
\$11408.00



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

29 CFR 1910.1026(h)(2)(ii): The employer did not ensure that no employee removed chromium (VI)-contaminated protective clothing or equipment from the workplace, except for those employees whose job it was to launder, clean, maintain, or dispose of such clothing or equipment:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not ensure that employee(s) did not remove protective clothing or equipment contaminated with hexavalent chromium from the workplace. Employee(s) spray painting mesh at Booth/oven #577/377 took their hexavalent chromium contaminated clothing home.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

04/03/2017



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

29 CFR 1910.1026(h)(2)(iii): Chromium (VI)-contaminated protective clothing or equipment was removed for laundering, cleaning, maintenance, or disposal; however, the employer did not ensure that it was stored and transported in sealed, impermeable bags or other closed, impermeable containers:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not ensure that employees' protective apparel such as disposable tyvek hood and sleeves contaminated with hexavalent chromium were disposed in sealed impermeable bags or other closed, impermeable containers.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

04/03/2017



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

29 CFR 1910.1026(j)(3)(ii): The employer did not ensure that bags or containers of waste, scrap, debris, and any other materials contaminated with chromium (VI) and consigned for disposal were labeled in accordance with the requirements of the Hazard Communication standard, 29 CFR 1910.1200:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not ensure that bags or containers of waste, scrap, debris and any other materials contaminated with hexavalent chromium and consigned for disposal were labeled.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

04/03/2017



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

29 CFR 1910.1026(i)(1): The employer did not provide change rooms, in conformance with the Sanitation standard, 29 CFR 1910.141, for employees who were required to change their clothes to use protective clothing and equipment for chromium (VI) exposures:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On November 15, 2016, the employer did not provide change rooms, in conformance with the Sanitation standard, 29 CFR 1910.141, for employees who were required to change their clothes to use protective clothing and equipment for hexavalent chromium exposures. The temporary employee spray painting the mesh in Booth/Oven #577/377, and wearing street clothes with tyvek hood, tyvek sleeves and gloves was exposed to hexavalent chromium at levels exceeding the OSHA Permissible Exposure Limit (PEL) of 5 $\mu\text{g}/\text{m}^3$.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/08/2017
\$11408.00



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

29 CFR 1910.1026(k)(1)(i)(A): The employer did not make medical surveillance available for all employees who were or could be occupationally exposed to chromium (VI) at or above the action level for 30 or more days a year:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL, On November 15, 2016, the employer did not make medical surveillance for hexavalent chromium available to employees. The employee spray painting in booth/Oven# 577/377 was exposed to an airborne level of hexavalent chromium at an 8-hour time-weighted average of $197 \mu\text{g}/\text{m}^3$ which is approximately 39 times the OSHA 8-hour time-weighted average Permissible Exposure Limit of $5 \mu\text{g}/\text{m}^3$.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated: 04/25/2017
Proposed Penalty: \$11408.00



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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 12 a Type of Violation: **Serious**

29 CFR 1910.1026(l)(1): The employer did not ensure that all employees who were assigned to workplaces where there was exposure to chromium (VI) were provided with information and training as required by the Hazard Communication standard, 29 CFR 1910.1200:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On October 26, 2016, the employer did not ensure that employees working with or exposed to hexavalent chromium in the work place were provided information and training on hexavalent chromium hazards and control measures.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/25/2017
\$11408.00



Citation and Notification of Penalty

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630

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

29 CFR 1910.1026(l)(2)(i): 29 CFR 1910.1026(l)(2)(i): the employer did not provide training and information to ensure that employees could demonstrate knowledge of 29 CFR 1910.1026, and the purpose and a description of the medical surveillance program:

a) Orion Industries, Ltd., 5492 N. Northwest Highway, Chicago, IL- On October 26, 2016, the employer did not ensure that employees working with or exposed to hexavalent chromium in the work place were provided information and training on requirements of the hexavalent chromium standard and the purpose, description of the medical surveillance program.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

04/25/2017

A handwritten signature in cursive script, appearing to read "Angeline Loftus", written over a horizontal line.

Angeline Loftus
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
701 Lee Street
Suite 950
Des Plaines, IL 60016
Phone: 847-803-4800 Fax: 847-390-8220



INVOICE / DEBT COLLECTION NOTICE

Company Name: Orion Industries, Ltd.
Inspection Site: 5492 Northwest Highway, Chicago, IL 60630
Issuance Date: 03/22/2017

Summary of Penalties for Inspection Number	1181272
Citation 1, Serious	\$128746.00
TOTAL PROPOSED PENALTIES	\$128746.00

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.

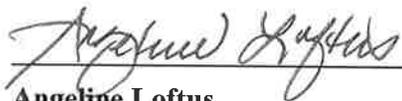
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

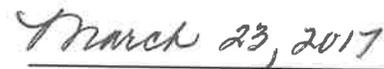
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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



Angeline Loftus

Area Director



Date