

U.S. Department of Labor Occupational Safety and Health Administration
500 Route 17 South,
2nd Floor
Hasbrouck Heights, NJ 07604
Phone: 201-288-1700 Fax: 201-288-7315



07/01/2015

STERLING SEATING, INC
9 PORETE AVE
North Arlington, NJ 07031

Dear Employer,

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 1990, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dated together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

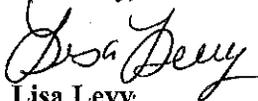
As indicated on page 8 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 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 the citation. The running of this contest period is not interrupted by an informal conference. You must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,



Lisa Levy
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
500 Route 17 South
2nd Floor
Hasbrouck Heights, NJ 07604
Phone: 201-288-1700 Fax: 201-288-7315



Citation and Notification of Penalty

To:
STERLING SEATING, INC
and its successors
9 PORETE AVE
North Arlington, NJ 07031

Inspection Number: 1017331
Inspection Date(s): 01/07/2015 - 07/01/2015
Issuance Date: 07/01/2015

Inspection Site:
9 PORETE AVE
North Arlington, NJ 07031

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the date(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 07/01/2015. The conference will be held by telephone or at the OSHA office located at 500 Route 17 South, 2nd Floor, Hasbrouck Heights, NJ 07604 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1017331

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031
Issuance Date: 07/01/2015

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, 500 Route 17 South, 2nd Floor, Hasbrouck Heights, NJ 07604**

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: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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 1910.107(e)(2): The quantity of flammable liquids or liquids with a flashpoint greater than 199.4 °F (93 °C) kept in the vicinity of spraying operations shall be the minimum required for operations and should ordinarily not exceed a supply for 1 day or one shift:

a) Spray Finishing Area: Storage of flammable chemicals, including but not limited to, 51-13 ounce aerosol cans of Mohawk Tone Finish Toner-M101-0227, and a five gallon container of lacquer thinner, were stored in the vicinity of spray finishing operations, on or about, 2/5/15.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 07/16/2015 |
| Proposed Penalty: | \$3850.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

29 CFR 1910.107(e)(9): Whenever flammable liquids or liquids with a flashpoint greater than 199.4 °F (93 °C) are transferred from one container to another, both containers shall be effectively bonded and grounded to prevent discharge sparks of static electricity.

a) Spray Finishing: Employees transfer flammable chemicals, including but not limited to, lacquer thinner, Sher-Wood White Varnish Sanding Sealer, and Sher-Wood Dye Stain. Employees transfer flammable chemicals from five gallon metal containers directly into spray gun devices and the containers were not bonded and grounded, on or about 2/5/15.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/16/2015



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

29 CFR 1910.107(f)(3): Sprinklers protecting spraying areas were not kept as free from deposits as practical by cleaning daily if necessary.

a) Spray Finishing Shop: The sprinkler head installed inside a powered-ventilated spray finishing booth, used for spraying flammable and combustible chemicals, was present with overspray residue, on or about, 2/5/15.

ABATEMENT NOTE: Among other methods, one feasible and acceptable abatement method to correct this hazard includes following the National Fire Protection Association (NFPA) 33, Standard for Spray Application Using Flammable or Combustible Materials, (2007 Edition), including, but not limited to:

Chapter 9, Section 9.4 Automatic Sprinkler Systems.

* Sprinklers shall be protected against overspray residue, either by location or covering, so that they will operate quickly in event of fire (section 9.4.7).

* Sprinklers shall be permitted to be covered only by cellophane bags having a thickness of 0.08mm (0.003in.) or less or by thin paper bags. These coverings shall be replaced frequently so that heavy deposits of residue do not accumulate (section 9.4.7.1).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/16/2015

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

Inspection Number: 1017331
Inspection Date(s): 01/07/2015 - 07/01/2015
Issuance Date: 07/01/2015



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

29 CFR 1910.138(a): The employer did not select and require employee(s) to use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances:

a) Stock Table Shop: Employees used rags soaked with paint thinner, containing hazardous substances, including but not limited to, toluene, ethylbenzene, xylene, acetone, and methyl ethyl ketone to remove marks and other imperfections from benches and the employer did not provide hand protection to protect against dermal contact, on or about 2/5/15.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 07/16/2015 |
| Proposed Penalty: | \$2310.00 |

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: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

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

a) Wood Shop: An employee was observed using compressed air from the plant to remove sawdust from clothing and the workstation. The pressure at the nozzle end was measured in excess of 60 p.s.i., on or about 2/5/15.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 07/31/2015 |
| Proposed Penalty: | \$2310.00 |

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

Inspection Number: 1017331
Inspection Date(s): 01/07/2015 - 07/01/2015
Issuance Date: 07/01/2015



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

a) Wood Shop: An air heater classified as "Household Use Only" used to provide thermal comfort for employees, was located in an area where a potential breach of wood processing equipment and a Grizzly enclosureless dust collector, were present. Wood working equipment generates combustible dust classified as a Class II explosive dust, and presents a potential fire hazard, on or about, 2/15/15.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 07/07/2015 |
| Proposed Penalty: | \$3850.00 |

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: 1017331
Inspection Date(s): 01/07/2015 - 07/01/2015
Issuance Date: 07/01/2015



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

29 CFR 1910.305(b)(2)(i): Each outlet box in completed installations did not have a cover, faceplate, or fixture canopy:

a) Assembly Shop: A light switch receptacle used to provide lighting in the work area was missing a cover, on or about, 2/5/15.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 07/16/2015 |
| Proposed Penalty: | \$3850.00 |

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: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

29 CFR 1910.1052(j)(1)(i): The employer did not make medical surveillance available for employees who were or potentially were exposed to methylene chloride at or above the action level on 30 or more days per year, or above the 8-hour time weighted average permissible exposure limit or the short term exposure limit on 10 or more days per year:

a) Upholstery Shop: Employees were spraying an adhesive, Premier Bond PB980N, which contained 50-65% of methylene chloride, on to foam and wood. The employees were exposed to airborne concentrations of methylene chloride in excess of OSHA's Action Level of 12.5 parts per million. The employer did not make medical surveillance available to affected employees, on or about, 4/16/15.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 08/13/2015 |
| Proposed Penalty: | \$5390.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

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 dust deflagration, explosion or other fire hazard:

a) Wood Shop: Grizzly Enclosureless Dust Collectors were located inside the building and used for collecting dust produced from wood cutting process equipment of various wood types, including but not limited to, plywood and flakeboard. The required fire and deflagration prevention mechanisms were not in place, on or about 1/7/15, and 2/5/15.

b) Wood Shop: An Oneida Direct Drive Cyclone Dust Collector, was located inside the building and used for collecting dust produced from wood cutting process equipment of various wood types, including but not limited to, plywood and flakeboard. The required fire and deflagration prevention mechanisms were not in place, on or about 1/7/15, and 2/5/15.

STERLING SEATING, INC, was previously cited for a violation of this occupational safety and health standard or its equivalent standard OSH ACT of 1970 Section (5)(a)(1), which was contained in OSHA inspection number 314674474, citation number 1, item number 1, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT NOTE: Among other methods, including following the manufacturers safe operating instructions, one feasible and acceptable abatement method to correct this hazard include, complying with the National Fire Protection Association (NFPA) 664 (2012 Edition), "Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities."

Specifically the employer should follow the manufacturer instructions and pertinent sections of NFPA 664, including but not limited to:

*Where equipment is subject to the accumulation of static electric charge, the accumulation of static electricity charge shall be controlled by: permanent grounding and bonding of production equipment (NFPA 664, Chapter 7, Section 7.9.2(1)).



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

- * Ductwork shall be metallic. Nonconductive ducts such as PVC pipes shall not be permitted (NFPA 664, Chapter 8, Section 8.2.2.2.1.1, 8.2.2.2.1.2).
- *The collector is not used on sanders (NFPA 664, Chapter 8, Section 8.2.2.5.1.4(7)(b)).
- *Remove collected dust daily or more frequently from enclosureless dust collectors located indoors (NFPA 664, Chapter 8, Section 8.2.2.5.1.4(7)(e)).
- *The collector is located at least 20ft. from any means of egress or area routinely occupied by personnel. (NFPA 664, Chapter 8, Section 8.2.2.5.1.4(7)(f)).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 08/13/2015 |
| Proposed Penalty: | \$7700.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 2 Type of Violation: **Repeat**

29 CFR 1910.106(e)(2)(iv)(a): Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 °F (37.8 °C), shall be kept in covered containers when not actually in use.

a) Spray Finishing Area: Containers of flammable class 1B chemicals, including but not limited to, lacquer thinner, Denatured alcohol, Sher-wood wiping stain cherry, Sherwin Williams EEP reducer-R6K35, Sherwin Williams Butyl Acetate R6K18, were left open, when not in use, on or about, 2/5/15.

STERLING SEATING, INC, was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, 29 CFR 1910.106(e)(2)(IV)(A), which was contained in OSHA Inspection Number 314674474, Citation Number 1, Item Number 3, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 07/16/2015 |
| Proposed Penalty: | \$6160.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

Citation 2 Item 3 a Type of Violation: **Repeat**

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) Spray Finishing Shop: The employer requires employees to wear Binks Millennium 3000 elastomeric dual cartridge half-mask respirators during spray finishing operations. The employer did not provide a medical evaluation for affected employees to determine the employee's ability to use a respirator, on or about 2/5/15.
- b) Wood Shop: The employer requires employees to wear 3M N95 filtering facepiece masks, while servicing enclosureless dust collectors. The employer did not provide a medical evaluation for affected employees to determine the employee's ability to use a respirator, on or about 2/5/15.

STERLING SEATING, INC, was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, 29 CFR 1910.134(e)(1), which was contained in OSHA Inspection Number 314674474, Citation Number 1, Item Number 7, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/13/2015
Proposed Penalty: \$6160.00



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 3 b Type of Violation: **Repeat**

29 CFR 1910.134(f)(1): The employer shall ensure that employees using a tight-fitting facepiece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT) as stated in this paragraph:

a) Spray Finishing Shop: The employer requires the use of negative pressure tight-fitting respirators during spray finishing operations. Employees spray with chemicals which includes, but not limited to, sealants, hardeners, lacquer thinner and catalysts, and the employer did not ensure that employees completed fit testing, on or about, 2/5/15.

STERLING SEATING, INC, was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, 29 CFR 1910.134(f)(1), which was contained in OSHA Inspection Number 314674474, Citation Number 1, Item Number 6B, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/13/2015



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 4 Type of Violation: **Repeat**

29 CFR 1910.134(k)(3): Training was not provided prior to requiring employees to use a respirator in the workplace:

- a) Spray Finishing Shop: Employees are required to wear Binks Millennium 3000 elastomeric dual cartridge half-mask respirators during spray finishing operations. Employees had not received training on the proper use of respirators, on or about, 2/5/15.
- b) Wood Shop: Employees are required to wear 3M N95 filtering facepiece dust masks while servicing Grizzly enclosureless dust collectors and an Oneida Direct Drive cyclone dust collector. Employees had not received training on the proper use of respirators, on or about, 2/5/15.

STERLING SEATING, INC, was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, 29 CFR 1910.134(k)(3), which was contained in OSHA Inspection Number 314674474, Citation Number 1, Item Number 8, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 08/13/2015 |
| Proposed Penalty: | \$6160.00 |

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: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 5 Type of Violation: **Repeat**

29 CFR 1910.1052(d)(1)(i)(B): Where methylene chloride was present in the workplace, the employer did not determine each employees exposure by taking personal breathing zone air samples that were representative of each employee's exposure:

a) Upholstery Shop: The Employer did not determine exposure to concentrations of methylene chloride, for employees who conducted spray painting, using the chemical, Premier Bond PB980N, which contains 50-65% Methylene Chloride, on or about 3/18/15.

STERLING SEATING, INC, was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, 29 CFR 1910.1052(d)(1)(i)(B), which was contained in OSHA Inspection Number 314674474, Citation Number 1, Item Number 12B, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 08/13/2015 |
| Proposed Penalty: | \$10780.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 6 Type of Violation: **Repeat**

29 CFR 1910.1052(h)(1): Where needed to prevent methylene chloride induced skin or eye irritation, the employer did not provide clean protective clothing and equipment resistant to methylene chloride, at no cost to the employee, and/or did not ensure that each affected employee used it:

a) Upholstery Shop: Employees who spray an adhesive, Premier Bond PB980N, which contains 50-65% methylene chloride, were not provided with suitable hand, eye protection, and protective clothing that is resistant to methylene chloride, on or about, 2/5/15.

STERLING SEATING, INC, was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, 29 CFR 1910.1052(h)(1), which was contained in OSHA Inspection Number 314674474, Citation Number 1, Item Number 13, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 08/13/2015 |
| Proposed Penalty: | \$6160.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 7 Type of Violation: **Repeat**

29 CFR 1910.1052(i)(2): If it is reasonably foreseeable that an employee's eyes may contact solutions containing 0.1 percent or greater Methylene Chloride (for example through splashes, spills or improper work practices), the employer shall provide appropriate eyewash facilities within the immediate work area for emergency use, and shall ensure that affected employees use those facilities when necessary as required under the Methylene Chloride Standard in 29 CFR 1910.1052.

a) Upholstery Shop: An employee who sprays an adhesive, Premier Bond PB980N, which contains 50-65% methylene chloride, was not provided with a suitable flushing facility within the immediate work area, on or about, 2/5/15.

STERLING SEATING, INC, was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, 29 CFR 1910.1052(i)(2), which was contained in OSHA Inspection Number 314674474, Citation Number 1, Item Number 10B, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 08/13/2015 |
| Proposed Penalty: | \$7700.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

Citation 2 Item 8 a Type of Violation: **Repeat**

29 CFR 1910.1052(l)(1): The employer shall provide information and training for each affected employee prior to or at the time of initial assignment to a job involving potential exposure to Methylene Chloride:

- a) Upholstery Shop: Employees who spray Premier Bond (PB980N) adhesive, which contains 50-65% of methylene chloride, on to foam and wood, were exposed to concentrations of methylene chloride in excess of OSHA's Action Level of 12.5 parts per million, and were not informed of the hazards associated with methylene chloride, on or about, 3/18/15.
- b) Spray Finishing Shop: Employees who conduct spray finishing inside a powered ventilated spray paint booth were exposed to concentrations of methylene chloride in excess of OSHA's Action Level of 12.5 parts per million, and were not informed of the hazards associated with methylene chloride, on or about, 3/18/15.

STERLING SEATING, INC, was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, 29 CFR 1910.1052(l)(1), which was contained in OSHA Inspection Number 314674474, Citation Number 1, Item Number 11B, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/13/2015
Proposed Penalty: \$7700.00



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 8 b Type of Violation: **Repeat**

29 CFR 1910.1052(l)(3)(i): The employer did not inform each affected employee of the requirements of 29 CFR 1910.1052 and the information available in its appendices and/or how to access or obtain a copy of it in the workplace:

a) Upholstery Shop: Employees spray Premier Bond (PB980N) adhesive, which contains 50-65% of methylene chloride, on to foam and wood. The employees were not informed of the requirements of the standard and the information contained in the appendices, on or about, 3/18/15.

b) Spray Finishing Shop: Employees conducting spray finishing operations in a powered ventilated spray paint booth were exposed to concentrations of methylene chloride in excess of OSHA's Action Level of 12.5 parts per million, and were not informed of the requirements of the standard and the information contained in the appendices, on or about, 3/18/15.

STERLING SEATING, INC, was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, 29 CFR 1910.1052(l)(3)(i), which was contained in OSHA Inspection Number 314674474, Citation Number 1, Item Number 11C, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/13/2015

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

Inspection Number: 1017331
Inspection Date(s): 01/07/2015 - 07/01/2015
Issuance Date: 07/01/2015



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 8 c Type of Violation: **Repeat**

29 CFR 1910.1048(n)(1): The employer did not ensure that all employees who were assigned to workplaces where there was exposure to formaldehyde participated in a training program:

a) Spray Finishing Shop: Employees were conducting spray painting using Sher-Wood Water White Varnish Sanding Sealer, which contains 0.1% Formaldehyde, and employees were not included in a training program on health hazards associated with using formaldehyde, on or about, 3/18/15.

STERLING SEATING, INC, was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, 29 CFR 1910.1048(n)(1), which was contained in OSHA Inspection Number 314674474, Citation Number 1, Item Number 11A, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/13/2015

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: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

Citation 2 Item 9 a Type of Violation: **Repeat**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

a) Stock Table Shop: Temporary employees were hired to complete a job task which involved soaking rags with paint thinner, containing hazardous substances, including but not limited to, toluene, ethylbenzene, xylene, acetone, and methyl ethyl ketone, to remove marks and other imperfections from benches. The employer did not inform temporary employees of the existence of hazardous chemicals and substances, prior to beginning work, on or about 2/5/15.

STERLING SEATING, INC, was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, 29 CFR 1910.1200(e)(1), which was contained in OSHA Inspection Number 314674474, Citation Number 1, Item Number 14A, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 08/13/2015 |
| Proposed Penalty: | \$7700.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 9 b Type of Violation: **Repeat**

29 CFR 1910.1200(f)(5)(i): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein [HCS 1994]:

Or in the alternative:

29 CFR 1910.1200(f)(6)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with the Product identifier, words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals [HCS 2012]:

- a) Stock Table Shop: Temporary agency employees were directed by the employer to remove imperfections and other scratch marks from benches. The employees were dispensing from a 1-gallon container of lacquer thinner that included, but not limited to toluene, ethylbenzene, xylene, acetone, and methyl ethyl ketone. The container did not have a label with the identity of the hazardous chemical, Finish 1 Economy Thinner, on or about 2/5/15.
- b) Wood Shop: A container of lacquer thinner was unlabeled, on or about 2/5/15.

STERLING SEATING, INC, was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, 29 CFR 1910.1200(f)(5)(I), which was contained in OSHA Inspection Number 314674474, Citation Number 1, Item Number 14B, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/13/2015

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: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 9 c Type of Violation: **Repeat**

29 CFR 1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings or alternatively words pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the Hazard Communication program, will provide employees with specific information regarding the physical and health hazards of the hazardous chemical [HCS 1994]:

Or in the alternative:

29 CFR 1910.1200(f)(6)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with the Product identifier, words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals [HCS 2012]:

- a) Stock Table Shop: Temporary agency employees were directed by the employer to remove imperfections and other scratch marks from benches. The employees were dispensing from a 1-gallon container of lacquer thinner, that included, but not limited to toluene, ethylbenzene, xylene, acetone, and methyl ethyl ketone. The container did not identify appropriate hazard warnings for the chemical, Finish 1 Economy Thinner, on or about 2/5/15.
- b) Wood Shop: A container of lacquer thinner did not identify appropriate hazard warnings, on or about 2/5/15.

STERLING SEATING, INC, was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, 29 CFR 1910.1200(f)(5)(ii), which was contained in OSHA Inspection Number 314674474, Citation Number 1, Item Number 14C, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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: 1017331
Inspection Date(s): 01/07/2015 - 07/01/2015
Issuance Date: 07/01/2015



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Date By Which Violation Must be Abated:

08/13/2015

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: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 9 d Type of Violation: **Repeat**

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

Shop Wide: Employees who spray adhesives, sealants, catalysts, varnishes, and employees who cut and sand wood, are exposed to hazardous chemicals and substances, including but not limited to, acetone, methylene chloride, formaldehyde, lacquer thinner, and n-Butyl Acetate, combustible Class II explosive dust, and affected employees were not provided with information and training on hazards associated with the chemicals they worked with, on or about 3/18/15.

STERLING SEATING, INC, was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, 29 CFR 1910.1200(h)(1), which was contained in OSHA Inspection Number 314674474, Citation Number 1, Item Number 11D, and was affirmed as a final order on January 20, 2012, with respect to a workplace located at North Arlington, New Jersey.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/13/2015



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.1020(g)(1)(i): Upon first entering into employment, and/or at least annually thereafter, the employer did not inform current employees of the existence, location, and availability of any records covered by 29 CFR 1910.1020:

a) Shop Area: The employer did not inform employees on an annual basis, the existence, location and availability of records pertaining to exposure and medical records, on or about 2/5/15.

The employer shall inform current employees covered by this section of the following:

1. The existence, location, and availability of any records covered by this section.
2. The person responsible for maintaining and providing access to records.
3. Each employee's rights of access to these records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/13/2015
Proposed Penalty: \$0.00

Lisa Levy
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
500 Route 17 South
2nd Floor
Hasbrouck Heights, NJ 07604
Phone: 201-288-1700 Fax: 201-288-7315



INVOICE / DEBT COLLECTION NOTICE

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031
Issuance Date: 07/01/2015

| | |
|---|-------------------|
| Summary of Penalties for Inspection Number | 1017331 |
| Citation 1, Serious | \$21560.00 |
| Citation 2, Repeat | \$66220.00 |
| Citation 3, Other-than-Serious | \$0.00 |
| TOTAL PROPOSED PENALTIES | \$87780.00 |

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.

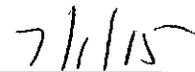
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent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



Lisa Levy
Area Director



Date

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U.S. Department of Labor Occupational Safety and Health Administration
500 Route 17 South,
2nd Floor
Hasbrouck Heights, NJ 07604
Phone: 201-288-1700 Fax: 201-288-7315



07/01/2015

STERLING SEATING, INC
9 PORETE AVE
North Arlington, NJ 07031

Dear Employer,

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 1990, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dated together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

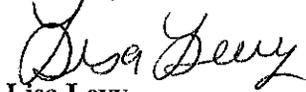
As indicated on page 8 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 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 the citation. The running of this contest period is not interrupted by an informal conference. You must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Levy".

Lisa Levy
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
500 Route 17 South
2nd Floor
Hasbrouck Heights, NJ 07604
Phone: 201-288-1700 Fax: 201-288-7315



Citation and Notification of Penalty

To:
STERLING SEATING, INC
and its successors
9 PORETE AVE
North Arlington, NJ 07031

Inspection Number: 1046869
Inspection Date(s): 01/07/2015 - 07/01/2015
Issuance Date: 07/01/2015

Inspection Site:
9 PORETE AVE
North Arlington, NJ 07031

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 07/01/2015. The conference will be held by telephone or at the OSHA office located at 500

Route 17 South, 2nd Floor, Hasbrouck Heights, NJ 07604 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1046869

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031
Issuance Date: 07/01/2015

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, 500 Route 17 South, 2nd Floor, Hasbrouck Heights, NJ 07604**

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: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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 1910.147(c)(4)(ii): The energy control procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, including, but not limited to items of this section.

a) Wood shop area: The employer did not establish specific energy control procedures for operators performing servicing to equipment, such as but not limited to, a Grizzly band saw; on or about 1/1/15.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 07/16/2015 |
| Proposed Penalty: | \$5390.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

29 CFR 1910.147(c)(5)(i): Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware were not provided by the employer for isolating, securing or blocking of machines or equipment from energy sources:

a) Wood shop area: The employer did not provide locks for the control of hazardous energy to employees performing servicing to equipment, such as but not limited to, a Grizzly band saw; on or about 1/1/15.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/16/2015



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

29 CFR 1910.147(c)(7)(i): The employer did not provide adequate training to ensure that employees acquired the knowledge and skills required for the safe application, usage and removal of energy control devices.

a) Wood shop area: The employer did not provide Lock Out/Tag Out training to employees performing servicing to equipment, such as but not limited to, a Grizzly band saw; on or about 1/1/15.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/16/2015



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

29 CFR 1910.303(b)(7)(iv): Electrical equipment had damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating.

a) Wood shop area- Employee was using a Delta radial saw that had a damaged electric cord; on or about 1/7/15.

b) Chair builders area- Employees were using a Ryobi drill that had a power cord that had a damaged cord; on or about 1/7/15.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.

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|---|-----------------------------|
| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$3080.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

29 CFR 1910.303(g)(2)(i): Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by approved cabinets or other forms of approved enclosures, or other means listed under this provision:

a) Wood shop area- Employee was exposed to electrical hazards while using a radial arm saw with unguarded live parts due to a missing switch plate; on or about 1/7/15.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.

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|---|-----------------------------|
| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$5390.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

a) Wood shop area- Employee was using a radial saw that was missing a ground pin; on or about 2/5/15.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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|---|------------|
| Date By Which Violation Must be Abated: | 07/16/2015 |
| Proposed Penalty: | \$5390.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief was provided that would prevent pull from being directly transmitted to joints or terminal screws.

a) Wood shop area- An employees was using a radial saw with a power cord that had no strain relief; on or about 1/7/15.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.

Date By Which Violation Must be Abated: Corrected During Inspection



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

29 CFR 1910.36(d)(1): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge.

- a) Storage warehouse: Emergency exit door was locked with stretch wrap; on or about 1/7/15.
- b) Storage warehouse: Emergency exit door was locked with wiring; on or about 2/5/15.

Repeat:

Sterling Seating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.36(d)(1), which was contained in OSHA inspection number 314674532, citation number 1, item number 1, and was affirmed as a final order on 1/20/12, with respect to a workplace located at 9 Porete Ave, North Arlington, NJ 07031.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.

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| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$10780.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 2 Type of Violation: **Repeat**

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

- a) Storage warehouse: The exit route was blocked by a fallen tree branch, a hanging light, and snow and ice; on or about 1/7/15.
- b) Storage warehouse: The exit route leading to two emergency exit doors was locked with a padlocked gate; on or about 1/7/15.
- c) Dock area: The exit route leading to the dock room from the storage area was blocked by chairs; on or about 2/5/15.

Repeat:

Sterling Seating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.37(a)(3), which was contained in OSHA inspection number 314674532, citation number 1, item number 2, and was affirmed as a final order on 1/20/12, with respect to a workplace located at 9 Porete Ave, North Arlington, NJ 07031.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.

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|---|-----------------------------|
| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$7700.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

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

Citation 2 Item 3 a Type of Violation: **Repeat**

29 CFR 1910.141(d)(1): Washing facilities were not maintained in a sanitary condition.

- a) Shop area: Restroom used by employees was not maintained in a sanitary condition; on or about 1/7/15.
- b) Storage Warehouse: Restroom used by employees was not maintained in a sanitary condition; on or about 2/5/15.

Repeat:

Sterling Seating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.141(d)(1), which was contained in OSHA inspection number 314674474, citation number 1, item number 9a, and was affirmed as a final order on 1/20/12, with respect to a workplace located at 9 Porete Avenue, North Arlington, NJ, 07301.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 07/16/2015 |
| Proposed Penalty: | \$7700.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 3 b Type of Violation: **Repeat**

29 CFR 1910.141(d)(2)(iii): Lavatories were not provided with handsoap or similar cleansing agents.

- a) Shop area: Restroom used by employees was not provided with soap; on or about 1/7/15.
- b) Storage warehouse: Restroom used by employees was not provided with soap; on or about 2/5/15.

Repeat:

Sterling Seating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.141(d)(2)(iii), which was contained in OSHA inspection number 314674474, citation number 1, item number 9c, and was affirmed as a final order on 1/20/12, with respect to a workplace located at 9 Porete Avenue, North Arlington, NJ,07301.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/16/2015



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 3 c Type of Violation: **Repeat**

29 CFR 1910.141(d)(2)(iv): Lavatories were not provided with individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean individual sections of continuous cloth toweling.

a) Storage Warehouse: Employees are not provided with paper towels or warm blowers in the bathroom; on or about 1/7/15 and 2/5/15.

Repeat:

Sterling Seating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.141(d)(2)(iv), which was contained in OSHA inspection number 314674474, citation number 1, item number 9d, and was affirmed as a final order on 1/20/12, with respect to a workplace located at 9 Porete Avenue, North Arlington, NJ, 07301.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/16/2015



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 4 Type of Violation: **Repeat**

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section.

a) Wood shop area: Employees did not utilize Lock Out/Tag Out procedures before performing service to equipment, such as but not limited to, a Grizzly band saw; on or about 1/1/15.

Repeat:

Sterling Seating Inc, was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.147(c)(1) which was contained in OSHA inspection number, 314674532 citation number 1, item number 6 and was affirmed as a final order on 1/20/12, with respect to a workplace located at 9 Porete Ave, North Arlington, NJ 07301.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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|---|------------|
| Date By Which Violation Must be Abated: | 07/16/2015 |
| Proposed Penalty: | \$10780.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 5 Type of Violation: **Repeat**

29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse.

a) Storage warehouse area- Boxes containing merchandise were stacked and were not stable to prevent them from accidentally sliding or collapsing; on or about 1/7/15.

Repeat:

Sterling Seating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.176(b) which was contained in OSHA inspection number, 314674532 citation number 1, item number 8 and was affirmed as a final order on 1/20/15, with respect to a workplace located at 9 Porete Ave, North Arlington, NJ 07301.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.

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| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$6160.00 |



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 6 Type of Violation: **Repeat**

29 CFR 1910.213(h)(1): The sides of the lower exposed portion of the blade of radial saw(s) were not guarded to the full diameter of the blade by a device that automatically adjusted itself to the thickness of the stock and remained in contact with the materials being cut:

a) Wood shop area: The bottom section of the Delta radial saw cutting blade was not guarded on one side; on or about 2/5/15.

Repeat:

Sterling Seating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.213(h)(1) which was contained in OSHA inspection number, 314674532 citation number 1, item number 13 and was affirmed as a final order on 1/20/12, with respect to a workplace located at 9 Porete Ave, North Arlington, NJ 07301.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/16/2015
Proposed Penalty: \$10780.00



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 7 Type of Violation: **Repeat**

29 CFR 1910.303(g)(1)(ii): Working space required by this standard may not be used for storage.

- a) Storage warehouse area- The space in front of a 120 volt electrical panel was used for storage; on or about 2/5/15.
- b) Wood shop area- The space in front of a 240 volt electrical panel was used for storage; on or about 1/7/15 and 2/5/15.

Repeat:

Sterling Seating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.303(g)(1)(ii) which was contained in OSHA inspection number, 314674532 citation number 1, item number 16 and was affirmed as a final order on 1/20/12, with respect to a workplace located at 9 Porete Ave, North Arlington, NJ 07301.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/16/2015
Proposed Penalty: \$7700.00



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 2 Item 8 Type of Violation: **Repeat**

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed.

a) Wood shop area: The electrical box for the sander was missing knockouts; on or about 1/7/15 and 2/5/15.

b) Wood shop area: The receptacle box that powers the light was missing a knockout; on or about 1/7/15 and 2/5/15.

Repeat:

Sterling Seating Inc, was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.305(b)(1)(ii) which was contained in OSHA inspection number, 314674532 citation number 1, item number 17 and was affirmed as a final order on 1/20/12, with respect to a workplace located at 9 Porete Ave, North Arlington, NJ 07301.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/16/2015
Proposed Penalty: \$7700.00



Citation and Notification of Penalty

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.141(c)(2)(i): Each water closet did not occupy a separate compartment with a door and walls or partitions between fixtures sufficiently high to assure privacy:

a) Shop area: Restroom used by employees was missing stall doors on or about 1/7/15 and 2/5/15.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/16/2015
Proposed Penalty: \$0.00

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

Lisa Levy
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
500 Route 17 South
2nd Floor
Hasbrouck Heights, NJ 07604
Phone: 201-288-1700 Fax: 201-288-7315



INVOICE / DEBT COLLECTION NOTICE

Company Name: STERLING SEATING, INC
Inspection Site: 9 PORETE AVE, North Arlington, NJ 07031
Issuance Date: 07/01/2015

| | |
|---|-------------------|
| Summary of Penalties for Inspection Number | 1046869 |
| Citation 1, Serious | \$19250.00 |
| Citation 2, Repeat | \$69300.00 |
| Citation 3, Other-than-Serious | \$0.00 |
| TOTAL PROPOSED PENALTIES | \$88550.00 |

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.

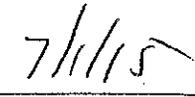
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent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



Lisa Levy
Area Director



Date