

COPY

U.S. Department of Labor

Occupational Safety and Health Administration
53 Pleasant Street, Room 3901, JC Cleveland Federal Bldg.
Concord, NH 03301
Phone: (603)225-1629 Fax: (603)225-1580



Citation and Notification of Penalty

To:

Stowe Woodward LLC
and its successors
60 Old Turnpike Road
Concord, NH 03301

Inspection Number: 29229**Inspection Date(s):** 04/25/2011 - 08/01/2011**Issuance Date:** 09/06/2011**Inspection Site:**

60 Old Turnpike Road.
Concord, NH 03301

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

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

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

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

to the citation(s) and/or penalty(ies).

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

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

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

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

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

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

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

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

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

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

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

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation, but not sooner than 30 calendar days after the citation issuance date. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/06/2011. The conference will be held at the OSHA office located at 53 Pleasant Street, Room 3901, JC Cleveland Federal Bldg., Concord, NH 03301 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 29229

Company Name: *Stowe Woodward LLC*
Inspection Site: 60 Old Turnpike Road., Concord, NH 03301
Issuance Date: 09/06/2011

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, 53 Pleasant Street, Room 3901, JC Cleveland Federal Bldg. Concord, NH 03301**

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: Stowe Woodward LLC
Inspection Site: 60 Old Turnpike Rd., Concord, NH 03301

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

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

- a. Establishment - On or about 3/8/11, employees who were required to wear half-face, elastomeric, negative-pressure tight-fitting respirators in the workplace had not been medically evaluated to determine their ability to use a respirator.

Date by which Violation must be Abated: 10/06/2011
Proposed Penalty: \$3000.00

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

29 CFR 1910.134(f)(2): The employer did not ensure that an employee using a tight-fitting facepiece respirator was fit tested prior to initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter:

- a. Establishment - Prior to 4/25/11, employees required to wear half-face and/or full-face elastomeric negative-pressure, tight-fitting respirators had not been fit-tested prior to initial use of these respirators.

Date by which Violation must be Abated: 09/27/2011
Proposed Penalty: \$3000.00

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

Inspection Number: 29229
Inspection Date(s): 04/25/2011 - 08/01/2011
Issuance Date: 09/06/2011



Citation and Notification of Penalty

Company Name: Stowe Woodward LLC
Inspection Site: 60 Old Turnpike Rd., Concord, NH 03301

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

29 CFR 1910.134(g)(1)(i)(A): The employer permitted respirators with tight-fitting facepieces to be worn by employees who had facial hair that came between the sealing surfaces of the facepiece and the face or that interfered with valve function:

- a. Establishment - On or before 3/17/11, required-use, half-face, elastomeric, negative-pressure respirators with tight-fitting facepieces were worn by employees who had facial hair that came between the sealing surface of the facepiece and the face.

Date by which Violation must be Abated: 09/27/2011
Proposed Penalty: \$3000.00



Citation and Notification of Penalty

Company Name: Stowe Woodward LLC
Inspection Site: 60 Old Turnpike Rd., Concord, NH 03301

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

29 CFR 1904.7(b)(3): The employer did not correctly classify the following work-related injuries or illnesses on the OSHA Form 300 or equivalent:

- a. Establishment - On or about 11/13/09, an employee was diagnosed with right inguinal hernia due to constant heavy lifting, which resulted in restricted work activity as well as days away from work following the surgery necessary for treatment of this injury. The employer had not recorded this injury as a case involving days away from work.

Date by which Violation must be Abated: 09/13/2011
Proposed Penalty: \$1000.00

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

29 CFR 1904.7(b)(4): The employer did not enter the number of days for a case involving restricted work or transfer on the OSHA 300 Log:

- a. Establishment - On or about 8/25/10, an employee was diagnosed with a laceration to the right forearm which required sutures and ten days restricted work activity. The employer did not record the number of restricted days.
- b. Establishment - On or about 10/8/10, an employee was diagnosed with a laceration to the left hand, which required sutures and restricted work activity for several days. The employer did not record the number of restricted days.

Date by which Violation must be Abated: 09/13/2011
Proposed Penalty: \$1000.00



Citation and Notification of Penalty

Company Name: Stowe Woodward LLC
Inspection Site: 60 Old Turnpike Rd., Concord, NH 03301

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

Citation 2 Item 3 a Type of Violation: **Other-than-Serious**

29 CFR 1910.134(c)(1): The employer did not ensure that a written respiratory protection program with worksite-specific procedures was updated as necessary to reflect those changes in workplace conditions that affect respirator use, to include the provisions of (i)-(ix), as applicable:

- a. Establishment - The employer's written respiratory protection program did not include worksite specific procedures, such as, but not limited to, the assessment for the selection of respirators at this location.

Date by which Violation must be Abated: 10/06/2011
Proposed Penalty: \$.00

Citation 2 Item 3 b Type of Violation: **Other-than-Serious**

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace; including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminants' chemical state and physical form:

- a. Establishment - On or about 4/25/11, the employer had not evaluated the respiratory hazards in the workplace, in that cartridges provided to all employees wearing required-use, half-face or full-face, elastomeric air-purifying respirators were for protection against ammonia and methylamine and particulates (AM/MA/P100), including those workers who were working with paints and solvents containing chemicals such as, but not limited to, toluene, MEK, and rubber solvent, which indicate organic vapor cartridges as the necessary type for use with those materials.

Date by which Violation must be Abated: 09/27/2011

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

Inspection Number: 29229
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Citation and Notification of Penalty

Company Name: Stowe Woodward LLC
Inspection Site: 60 Old Turnpike Rd., Concord, NH 03301

Citation 2 Item 3 c Type of Violation: **Other-than-Serious**

29 CFR 1910.134(d)(3)(iii)(B)(2): The employer did not implement a change schedule for respirators not equipped with an End of Service Life Indicator that would ensure cartridges were changed before the end of their service life:

- a. Establishment - On or about 6/29/11, the employer did not establish or implement a change out schedule for the North "Defender" cartridges used with elastomeric, negative-pressure, air purifying respirators, for protection against materials such as, but not limited to, toluene, MEK and rubber solvent.

Date by which Violation must be Abated: 10/06/2011

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

Rosemarie Ohar
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
53 Pleasant Street
Room 3901, JC Cleveland Federal Bldg.
Concord, NH 03301
Phone: (603)225-1629 Fax: (603)225-1580



INVOICE / DEBT COLLECTION NOTICE

Company Name: STOWE WOODWARD LLC
Inspection Site: 60 OLD TURNPIKE RD., CONCORD, NH 03301
Issuance Date: 09/06/2011

Summary of Penalties for Inspection Number	29229
Citation 1, Serious	\$9000.00
Citation 2, Other-than-Serious	\$2000.00
TOTAL PROPOSED PENALTIES	\$11000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

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

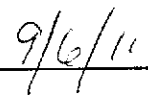
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent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



Rosemarie Ohar
Area Director



Date