

State of Tennessee

Department of Labor and Workforce Development
220 French Landing Drive
Nashville, TN 37243
Phone: 615-741-2793 Fax: 615-253-1623



Citation and Notification of Penalty

To:
Vorteq Coil Finishers, LLC
and its successors
200 Conalco Drive
Jackson, TN 38301

Inspection Number: 1289348
Inspection Date (s): 01/22/2018
Issuance Date: 04/13/2018
Reporting ID: 0454715
CSHO ID: S8812
Optional Report #: 015-2018

Inspection Site:
200 Conalco Drive
Jackson, TN 38301

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.

On 01/22/2018, an inspection of your establishment/workplace was conducted by the Tennessee Occupational Safety and Health Administration (TOSHA) pursuant to Tennessee Code Annotated §§ 50-3-101 through 50-3-918. This Citation and Notification of Penalty (hereafter referred to as this Citation) allege violations of standards and/or rules promulgated under the provisions of the Code. These alleged violations must be corrected on or before the date indicated with each violation description.

Under the Code, employers have certain responsibilities and rights regarding citations for alleged violations.

EMPLOYER RESPONSIBILITIES

POST THIS CITATION

T.C.A. § 50-3-307(a)(4) and Department of Labor and Workforce Development Rules require this Citation (or a copy) to be immediately posted at or near the location where each alleged violation occurred, or if not practicable, in a prominent place visible to all employees. This Citation must remain posted until the alleged violations are corrected but for no less than three (3) working days. Equipment, referenced in this Citation, that is moved during the correction period, must have a copy of this Citation attached. Failure to post this Citation subjects the employer to a penalty of up to \$3,000.00 for each Citation not posted.

CORRECT THE VIOLATIONS

You must correct each violation by the date listed in this Citation unless you request an extension or file a notice of contest. (See "Formal Contest" below.)

EXTENSION OF CORRECTION DATES

- 1) You may request an extension of the correction date(s) set forth in this Citation(s) when you cannot correct the alleged violation(s) by the date listed because of circumstances beyond your control. The request must be in writing and filed with the TOSHA area office supervisor no later than the end of the business day on the day after the original abatement date. The request must include the following information:
 - a) Steps taken to-date to correct the cited conditions.
 - b) Additional time needed to achieve compliance.
 - c) The reasons additional time is necessary.
 - d) All interim steps being taken to safeguard employees against the cited hazard.
 - e) A dated certification that a copy of the request has been posted and, if appropriate, served on the authorized representative of affected employees.

The employer shall post a copy of the request in a conspicuous place for a period of twenty (20) calendar days. The area supervisor then has ten (10) days after the posting period to grant or deny the request and will inform the employer of such, in writing, by the end of the ten (10) day period.

To request an extension of correction date(s), contact Sherry Collins, Area Supervisor at telephone (731) 423-5640 or fax (731) 426-0505.

NOTIFY TOSHA OF CORRECTIVE ACTION

You must notify Sherry Collins, in writing, when correction of each alleged violation has been completed. Enclosed is the Abatement Certification Form to be used to report corrective action taken for each violation. Instructions for completing this form are also enclosed.

You must also notify your employees and their representatives (if represented) of corrective action taken by posting the Abatement Certification Form, or by other effective means.

For items identified in this Citation as “**Abatement Verification Required**”, you must include additional documentation such as photographs, receipts, work orders, etc. to verify the corrective action taken. Failure to provide this additional documentation to TOSHA will subject the employer to additional penalties of up to \$1,000.00. This additional documentation must also be posted at or near where the violation occurred. Failure to post the additional documentation will subject the employer to additional penalties of up to \$3,000.00.

PAYMENT OF PENALTY

Payment for the penalty is **due in full thirty (30) days from the date of receipt of this Citation and Notification of Penalty** unless a notice of contest is filed. Correction of alleged violation(s) does not excuse you from payment of any penalty which has become a final order of the Department of Labor and Workforce Development. Penalties not paid within thirty (30) days from the date of receipt will be assessed late fees and interest (see the Penalty Notice enclosed). Penalties should be paid by check or money order made payable to: “Treasurer State of Tennessee.” Mail payments to the following address:

**State of Tennessee, Department of Labor and Workforce Development
Division of Occupational Safety and Health
Attn: Penalty Payments
220 French Landing Drive
Nashville, TN 37243-1002**

EMPLOYER RIGHTS

INFORMAL CONFERENCE

You may request an informal conference to discuss the alleged violations and/or penalties. Informal conferences **must be held within twenty (20) days of the receipt of this Citation and Notification of Penalty**. To schedule an informal conference, contact Sherry Collins, Area Supervisor at telephone (731) 423-5640 or fax (731) 426-0505. Twenty four (24) hours prior to the informal conference post the "Notice to Employees of Informal Conference" and bring a copy of the notice to the informal conference. A copy of the notice is enclosed.

FORMAL CONTEST

You have the right to contest any or all parts of this Citation and/or the penalties before the Tennessee Occupational Safety and Health Review Commission. If you choose to contest, you must submit written notification to the Commissioner of Labor and Workforce Development stating what parts of this Citation and Notification of Penalty you are contesting. Notification **must be received within twenty (20) calendar days of receipt of this Citation and Notification of Penalty**. If you do not contest within the twenty (20) calendar day period, this Citation and Notification of Penalty shall be deemed a final order and not subject to further review by any agency or court (T.C.A. §§ 50-3-307(b) and 50-3-407, and Tennessee Department of Labor and Workforce Development Rules Chapter 0800-01-04).

ADDITIONAL INFORMATION

For additional information, contact Sherry Collins, Area Supervisor, Tennessee Department of Labor and Workforce Development, Division of Occupational Safety and Health, 225 Martin Luther King Boulevard, Box 19, Suite 120 , Jackson, TN 38301.

ABATEMENT CERTIFICATION FORM

INSTRUCTIONS

- 1) Complete this form for each cited violation item as follows:
 - a) Enter the citation number and item number in the first column
 - b) Enter the date the item was corrected in the second column
 - c) Explain in detail how each cited violation item was corrected in the third column (See examples below)
- 2) You may request an extension of the correction date(s) set forth in this Citation(s) when you cannot correct the alleged violation(s) by the date listed because of circumstances beyond your control. The request must be in writing and filed with the TOSHA area office supervisor no later than the end of the business day on the day after the original abatement date. The request must include the following information:
 - a) Steps taken to-date to correct the cited conditions.
 - b) Additional time needed to achieve compliance.
 - c) The reasons additional time is necessary.
 - d) All interim steps being taken to safeguard employees against the cited hazard.
 - e) A dated certification that a copy of the request has been posted and, if appropriate, served on the authorized representative of affected employees.

The employer shall post a copy of the request in a conspicuous place for a period of twenty (20) calendar days. The area supervisor then has ten (10) days after the posting period to grant or deny the request and will inform the employer of such, in writing, by the end of the ten (10) day period.

- 3) To request an extension of abatement/correction, contact Sherry Collins, Area Supervisor at telephone (731) 423-5640 or fax (731) 426-0505.
- 4) Mail or fax the completed form to the Area Office shown on the form
- 5) Contact the Area Office Supervisor for additional information or if you have any questions
- 6) Additional copies can be obtained electronically at:
http://tn.gov/assets/entities/labor/attachments/TOSHA_Abatment_Form_2001.pdf

Examples of How to Complete the Form

Citation & Item #	Date Corrected	HOW CORRECTED
1/1	02/16/2008	<p>The unguarded band saw #1234 located in the maintenance area was fitted with a factory made guard purchased from Ajax Equipment Co. The unused portion of the blade is now fully enclosed in a metal guard. Employees have been trained in the proper use of safety equipment.</p> <p>(NOTE: This item was identified as “Abatement/Correction Documentation Required” - We have also enclosed photographs of the newly guarded saw and a copy of the purchase documents from Ajax Equipment the parts supplier.)</p>
2/1a	02/18/2008	A plumbed emergency eyewash and drench shower were installed by ABC Plumbing Co in the acid mixing area. Employees have been trained in the proper use and maintenance of this emergency equipment.
2/1b	02/24/2008	A written hazard communication program has been developed (copy enclosed). All employees have been trained about the haz com program and its components. They have also been trained in the proper use of the specific chemicals they may use in performing their jobs.
2/4	<p>REQUEST EXTENSION OF ABATEMENT PERIOD</p>	<p>We ordered deluge showers on 12/15/15 (P.O. #76) and were informed that they would be shipped 12/16/15. Request extension until 01/17/16. As an interim safety precaution, we temporarily provided rubber water hoses at faucets near the plating tanks. Personal protective equipment is mandatory for this area.</p> <p><i>I certify that a copy of this request was posted on the employee’ bulletin board on (date) and that employees have been informed of their rights under the Act.</i></p> <p>OR</p> <p>We ordered deluge showers on 12/15/15 (P.O. #76) and were informed that they would be shipped 12/16/15. Request extension until 01/17/16. As an interim safety precaution, we temporarily provided rubber water hoses at faucets near the plating tanks. Personal protective equipment is mandatory for this area.</p> <p><i>I certify that a copy of this request was posted on the employees' bulletin board on (date) and that employees have been informed of their rights under the Act.</i></p>

ABATEMENT CERTIFICATION FORM

AREA SUPERVISOR

Tennessee Department of Labor and Workforce Development
Division of Occupational Safety and Health
225 Martin Luther King Boulevard, Box 19, Suite 120
Jackson, TN 38301

SUBMITTED BELOW IS THE ACTION(S) TAKEN TO CORRECT THE ALLEGED VIOLATION(S) LISTED ON THE CITATION(S) AS THE RESULT OF INSPECTION NUMBER: 1289348 ISSUED TO:

Vorteq Coil Finishers, LLC, 200 Conalco Drive, Jackson, TN 38301

Citation & Item #	Date Corrected	How Corrected

A COPY OF THE CITATION(S) WAS (WERE) POSTED AS REQUIRED BY TENNESSEE CODE ANNOTATED §50-3-307(a)(4).

_____/_____/_____
Employer Official's Signature Date Job Title



State of Tennessee
Department of Labor and Workforce Development
Division of Occupational Safety and Health (TOSHA)

**NOTICE TO EMPLOYEES
OF
INFORMAL CONFERENCE**

An informal conference has been scheduled with TOSHA to discuss the Citation and Notification of Penalty. The conference will be held at the TOSHA office located at 225 Martin Luther King Boulevard, Box 19, Suite 120 , Jackson, TN 38301 on _____ (date) at _____(time). Employees and/or representatives of employees have a right to attend an informal conference.

Post this notice twenty-four (24) hours prior to the informal conference.

A copy of this notice must be brought to the informal conference.

State of Tennessee

Department of Labor and Workforce Development
220 French Landing Drive
Nashville, TN 37243
Phone: 615-741-2793 Fax: 615-253-1623

Inspection Number: 1289348
CSHO ID: S8812
Optional Report #: 015-2018
Inspection Date(s): 01/22/2018
Issuance Date: 04/13/2018



Citation and Notification of Penalty

Company Name: Vorteq Coil Finishers, LLC
Inspection Site: 200 Conalco Drive Jackson, TN 38301

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

TCA 50-3-105(1): The employer did not furnish to each of his employees conditions of employment and a place of employment free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees.

In that:

- a. frequent and periodic inspections were not being conducted on the 7 1/2 ton P & H crane with an under hung hoist, located in the maintenance shop.
- b. frequent and periodic inspections were not being conducted on the 7 1/2 ton P & H crane with an under hung hoist, located in the slitter area.
- c. frequent and periodic inspections were not being conducted on the 25 ton ELT, Inc. crane with an under hung hoist, located in the storage area.
- d. frequent and periodic inspections were not being conducted on the 2 ton PR monorail crane, located in the coater room.
- e. frequent and periodic inspections were not being conducted on the 1 ton Budgit jib crane, located in the paint line area.
- f. frequent and periodic inspections were not being conducted on the 1/2 ton Harrington jib crane, located in the paint line area.

Among other methods, feasible and acceptable means of abatement would be:

Instance (a-f): Have the cranes inspected monthly by a qualified person.

Instance (a-f): Have the cranes inspected at a frequency not longer than annually by an outside contractor specializing in crane inspections.

ABATEMENT VERIFICATION REQUIRED

<u>Date By Which Violation Must be Abated:</u>	<u>May 08, 2018</u>
<u>Proposed Penalty:</u>	<u>\$5000.00</u>

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Citation and Notification of Penalty

Company Name: Vorteq Coil Finishers, LLC
Inspection Site: 200 Conalco Drive Jackson, TN 38301

Date By Which Violation Must be Abated: **May 08, 2018**
Proposed Penalty: **\$3000.00**

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

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by rotating parts and pinch points.

In that:

- a. the LeBlond lathe, serial # 8E2556U2562 located in the maintenance shop, was not equipped with a chuck guard.
- b. the pinch point created by the moving coil cart, located at the exit end of the paint line, was not guarded. On January 9, 2018, an employee's hand was caught in the pinch point resulting in an amputation of three fingers and the pinky finger requiring surgical amputation.
- c. the mandrel at the exit end of the paint line was not guarded to prevent employee access when the mandrel is rotating.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated: **May 08, 2018**
Proposed Penalty: **\$5000.00**

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

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Citation and Notification of Penalty

Company Name: Vorteq Coil Finishers, LLC
Inspection Site: 200 Conalco Drive Jackson, TN 38301

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

29 CFR 1910.146(g)(1): The employer shall provide training so that all employees whose work is regulated by this section acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under this section.

In that the Maintenance Supervisor had not been trained by the employer on the skills necessary for safe performance of duties while working inside the permit required confined space (i.e oven).

Wismarq Jackson, LLC was previously cited for violation of this standard or its equivalent standard 29 CFR 1910.146(g)(1) which contained TOSHA inspection number 317408904, Citation 1, Item 1b and was affirmed as a final order on January 7, 2014, with respect to the workplace located at 200 Conalco Drive, Jackson, TN 38301.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated: **May 08, 2018**
Proposed Penalty: **\$17500.00**

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

29 CFR 1910.147(c)(7)(i)(A): Each authorized employee had not received training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control:

In that two maintenance employees conducting servicing and maintenance on the equipment at the facility had not received any lockout/tagout training as an authorized employee.

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

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Inspection Date(s): 01/22/2018
Issuance Date: 04/13/2018



Citation and Notification of Penalty

Company Name: Vorteq Coil Finishers, LLC
Inspection Site: 200 Conalco Drive Jackson, TN 38301

Wismarq Jackson, LLC was previously cited for violation of this standard or its equivalent standard 29 CFR 1910.147(c)(7)(i)(A) which contained TOSHA inspection number 317408904, Citation 1, Item 2b and was affirmed as a final order on January 7, 2014, with respect to the workplace located at 200 Conalco Drive, Jackson, TN 38301.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated: **May 08, 2018**
Proposed Penalty: **\$17500.00**

Citation 3 Item 1 **Type of Violation: Repeat-Other**

29 CFR 1910.157(g)(2): The educational program to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting was not provided to all employees upon initial employment, and at least annually thereafter:

In that training in the proper method for utilizing portable fire extinguishers had not been provided to employees:

- a. initially upon hire
- b. annually since 3/19/14.

Wismarq Jackson, LLC was previously cited for violation of this standard or its equivalent standard 29 CFR 1910.157(g)(2) which contained TOSHA inspection number 317408904, Citation 2, Item 3 and was affirmed as a final order on January 7, 2014, with respect to the workplace located at 200 Conalco Drive, Jackson, TN 38301.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated: **May 08, 2018**
Proposed Penalty: **\$3750.00**

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Citation and Notification of Penalty

Company Name: Vorteq Coil Finishers, LLC
Inspection Site: 200 Conalco Drive Jackson, TN 38301

TDLWD Rule 0800-01-03-.03(27)(b)1: The log of all recordable work-related injuries and illnesses was not completed in the detail as required by the rule.

In that Column F of the OSHA300 log for the year 2015, 2016, 2017 and 2018 was not completed in the required detail.

<u>Date By Which Violation Must be Abated:</u>	<u>May 08, 2018</u>
<u>Proposed Penalty:</u>	<u>\$1000.00</u>

Steve Hawkins, Administrator
Division of Occupational Safety and Health

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Inspection Number: 1289348
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**Citation and Notification of Penalty**

Company Name: Vorteq Coil Finishers, LLC
Inspection Site: 200 Conalco Drive Jackson, TN 38301

PENALTY NOTICE

PENALTY PAYMENT DUE

Pursuant to T.C.A. §§ 50-3-402 through 408 your company has been assessed a monetary penalty. To avoid the addition of interest and delinquent fees, payment of this penalty is due in full no later than thirty (30) calendar days from the date you received this Citation and Notification of Penalty unless a notice of contest is filed. Penalties should be paid by check or money order payable to "Treasurer State of Tennessee." Mail payment to the following address:

**State of Tennessee, Department of Labor and Workforce Development
Division of Occupational Safety and Health
Attn: Penalty Payments
220 French Landing Drive
Nashville, TN 37243-1002**

DELINQUENT FEES AND INTEREST

Pursuant to T.C.A. § 50-3-107 interest and delinquent fees will be assessed for all unpaid penalty amounts that are over thirty (30) calendar days from the date you received this Citation and Notification of Penalty.

Interest charges will be assessed every thirty (30) days, at an interest rate established pursuant to T.C.A. § 67-1-801(a)(1). In addition to the interest applied, a delinquent fee of ten percent (10%) will be assessed for each penalty unpaid at thirty (30), sixty (60), and ninety (90) days to a maximum of thirty percent (30%).

Unpaid penalties are referred to the Attorney General for collection at one hundred eighty (180) days past due.

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Inspection Site: 200 Conalco Drive Jackson, TN 38301

SUMMARY OF PENALTIES FOR INSPECTION NUMBER 1289348

Citation 1 Item 1, Serious	\$5000.00
Citation 1 Item 2, Serious	\$3000.00
Citation 1 Item 3, Serious	\$3000.00
Citation 1 Item 4, Serious	\$5000.00
Citation 2 Item 1, Repeat-Serious	\$17500.00
Citation 2 Item 2, Repeat-Serious	\$17500.00
Citation 3 Item 1, Repeat-Other	\$3750.00
Citation 4 Item 1, Other-than-Serious	\$500.00
Citation 4 Item 2, Other-than-Serious	\$500.00
Citation 4 Item 3, Other-than-Serious	\$500.00
Citation 4 Item 4, Other-than-Serious	\$500.00
Citation 4 Item 5, Other-than-Serious	\$1000.00
TOTAL PROPOSED PENALTIES:	\$57750.00

Steve Hawkins, Administrator
Division of Occupational Safety and Health

Date