

U.S. Department of Labor
Occupational Safety and Health Administration
365 Smoke Tree Plaza
North Aurora, IL 60542
Phone: 630-896-8700 Fax: 630-892-2160



Citation and Notification of Penalty

To:
FOX VALLEY SYSTEMS, INC.
and its successors
640 INDUSTRIAL DRIVE
Cary, IL 60013

Inspection Number: 893753
Inspection Date(s): 03/06/2013 - 09/05/2013
Issuance Date: 09/05/2013

Inspection Site:
640 INDUSTRIAL DRIVE
Cary, IL 60013

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.

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 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 09/05/2013. The conference will be held by telephone or at the OSHA office located at 365 Smoke Tree Plaza, North Aurora, IL 60542 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 893753

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013
Issuance Date: 09/05/2013

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, 365 Smoke Tree Plaza, North Aurora, IL 60542**

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

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

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Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.106(b)(2)(vii)(a): Area(s) surrounding tank(s) containing flammable or combustible liquids were not provided with adequate drainage or dikes:

On or about March 6, 2013, Fox Valley Systems Inc. did not provide adequate drainage or dikes for the outside atmospheric tanks for Toluene, Acetone and Lactol spirits to prevent accidental discharge of liquid. The tanks are located adjacent to the employee parking lot.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

10/10/2013
\$2000.00

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: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.106(d)(3)(ii)(a): The door of the metal storage cabinet(s) for flammable and combustible liquids was not provided with a three point lock:

On or about March 6, 2013, flammable liquids were stored in a metal storage cabinet in the laboratory at Fox Valley Systems, Inc., located in Cary, Illinois. The lock on the metal cabinet was broken and did not provide a lock at three points.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/25/2013
Proposed Penalty:	\$2800.00

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
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Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.106(d)(4)(i): "Construction." Openings to other rooms or buildings were not provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area was not at least 4 inches below the surrounding floor. The room was not liquid-tight where the walls join the floor. A permissible alternate to the sill or ramp was not an open-grated trench inside of the room which drains to a safe location:

On or about March 6, 2013, Fox Valley Systems, Inc., maintained an indoor storage room, known at the facility as the raw materials storage warehouse, where the employer stored flammable and combustible liquids. This room did not meet the requirements of an inside storage room for flammable liquids in that the openings to this room were not provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, nor was the floor, in the storage area at least 4 inches below the surrounding floor. Furthermore, there was not an open-grated trench inside of the room which drained to a safe location.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/09/2013
Proposed Penalty:	\$2800.00

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Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.106(d)(4)(ii): "Rating and capacity." Storage in inside storage rooms shall comply with Table H-13:

On or about March 6, 2013, Fox Valley Systems, Inc., stored flammable material in the raw material storage warehouse in excess of the maximum allowed by Table H-13. Table H-13 allows a maximum storage area of 500 square feet and a maximum allowable quantity of 10 gallons per square foot of floor area. The employer stored more than 10,000 gallons of flammable and combustible material, and the area of the warehouse was 9,472 square feet.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/09/2013
Proposed Penalty:	\$2800.00

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: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

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

29 CFR 1910.106(d)(4)(iii): Wiring. Electrical wiring and equipment located in inside storage rooms used for Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 degrees F (37.8 degrees C), was not approved under subpart S of this part for Class I, Division 2 Hazardous Locations:

On or about March 6, 2013, Fox Valley Systems, Inc., stored Category 1 or Category 2 Liquids in the Raw Material Storage Warehouse. The electrical equipment and wiring was general purpose and was not approved for Class I, Division 2 Hazardous Locations. This equipment included, but was not limited to:

- a. An alarm panel located west of alarm panel box and VFD control panel along north wall of the Raw Material Storage Warehouse.
- b. Control panels and circuit boxes for the thermal oxidizer along the north wall of the Raw Material Storage Warehouse.
- c. Outlet boxes and other electrical equipment such as circuit boxes along the west wall of the Raw Material Storage Warehouse.
- d. Fans and heaters mounted on the ceiling of the Raw Material Storage Warehouse.
- e. Lighting Fixtures mounted on the ceiling of the Raw Material Storage Warehouse.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 12/09/2013
Proposed Penalty: \$2800.00

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Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.307(c): Equipment, wiring methods, and installations of equipment in hazardous (classified) locations were not intrinsically safe, approved for the hazardous (classified) location, or safe for the hazardous (classified) location:

On or about March 6, 2013, the following equipment at Fox Valley Systems, Inc., was identified as not intrinsically safe, approved for the hazardous (classified) location or safe for the hazardous (classified) location:

- a. An alarm panel located west of alarm panel box and VFD control panel along north wall of the raw material storage warehouse. This area is classified as a Class I, Division 2 Hazardous Location.
- b. Control panels and circuit boxes for the thermal oxidizer along the north wall of the raw material storage warehouse. This area is classified as a Class I, Division 2 Hazardous Location.
- c. Outlet boxes and other electrical equipment such as circuit boxes located along the west wall of the raw material storage warehouse. This area is classified as a Class I, Division 2 Hazardous Location.
- d. Fan and heaters mounted on the ceiling of the raw material storage warehouse. This area is classified as a Class I, Division 2 Hazardous Location.
- e. Lighting fixtures mounted on the ceiling of the raw material storage warehouse. This area is classified as a Class I, Division 2 Hazardous Location.
- f. A portable heater was utilized in the laboratory where propellants were quality tested. This area is classified, at a minimum, as a Class I, Division 2 Hazardous Location.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/09/2013

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Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.307(d): Conduits in hazardous (classified) locations were not threaded:

On or about March 6, 2013, the conduits for the electrical equipment, located along the west wall of the raw material storage warehouse, at Fox Valley Systems, Inc., were not threaded.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/09/2013

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Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.106(d)(4)(v): "Storage in inside storage rooms." Containers over 30 gallons capacity were not be stacked one upon the other:

On or about March 6, 2013, Fox Valley Systems, Inc., stored flammable liquids in the raw material storage warehouse. Many of the 55-gallon drums were stacked 3 drums high.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/10/2013
Proposed Penalty:	\$2800.00

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Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.106(e)(2)(ii)(b)(2): The quantity of Category 2, 3 or 4 flammable liquid located outside of an inside storage room or storage cabinet in a building or in any one fire area of a building exceeded 120 gallons:

On or about March 6, 2013, in the general warehouse area at Fox Valley Systems, Inc., approximately 8300 gallons of wash solvent was stored. The wash solvent used by the company is toluene, which is a Category 2 flammable liquid.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/10/2013
Proposed Penalty:	\$2800.00

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: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.106(e)(3)(v)(a): Areas as defined in paragraph (e)(3)(i) of this section using Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 degrees F (37.8 degrees C), were not ventilated at a rate of not less than 1 cubic foot per minute per square foot of solid floor area. This shall be accomplished by natural or mechanical ventilation with discharge or exhaust to a safe location outside of the building. Provision shall be made for introduction of makeup air in such a manner as not to short circuit the ventilation. Ventilation shall be arranged to include all floor areas or pits where flammable vapors may collect.

On or about March 6, 2013, Fox Valley Systems, Inc. operated a paint mixing operation and a paint can filling operation in the production area of the facility. These operations included the use of Category 2 flammable liquids and/or Category 3 flammable liquids with a flashpoint below 100 degrees Fahrenheit. This area was not ventilated at a rate of not less than 1 cubic foot per minute per square foot of solid floor area. The floor area is 9,472 square feet, and a provision was not made for introduction of makeup air in such a manner as to not short circuit the ventilation. According to the ventilation drawing dated 1982, in Mode 1, normal day operation, the total ventilation is 0.844 cubic feet per minute per square foot of solid floor area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/09/2013
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Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.106(e)(9)(iv): Ground areas around buildings and unit operating areas were not kept free of weeds, trash, and/or other unnecessary combustible materials:

On or about March 6, 2013, the floor of the production room at the paint can filling unit, at Fox Valley Systems, Inc., was covered unnecessarily with cardboard which is a combustible material.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/25/2013
\$2000.00

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
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Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.119(c)(1): The employer did not develop a written plan of action regarding the implementation of the employee participation required by this paragraph:

On or about March 6, 2013, a written plan of action regarding the implementation of the required elements of employee participation was not developed for the covered process (propellant charging process) at Fox Valley Systems Inc.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/09/2013
Proposed Penalty:	\$2800.00

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: 893753
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Issuance Date: 09/05/2013



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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 11 a Type of Violation: **Serious**

29 CFR 1910.119(d)(2)(i)(D): The employer did not compile information concerning the technology of the process including safe upper and lower limits for such items as temperatures, pressures, flows or compositions:

On or about March 6, 2013, the employer did not compile information concerning the technology of the covered process (propellant charging) at Fox Valley Systems, Inc., such as, but not limited to, safe upper and lower limits for such items as temperatures, pressures, flows or compositions.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/09/2013
Proposed Penalty:	\$2800.00

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: 893753
Inspection Date(s): 03/06/2013 - 09/05/2013
Issuance Date: 09/05/2013



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.119(d)(2)(i)(E): The employer did not compile information concerning the technology of the process including an evaluation of the consequences of deviations, including those affecting the safety and health of employees:

On or about March 6, 2013, the employer did not compile information concerning the technology of the covered process (propellant charging) at Fox Valley Systems, Inc., such as, but not limited to, an evaluation of the consequences of deviations, including those affecting the safety and health of employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

11/09/2013

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: 893753
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Issuance Date: 09/05/2013



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.119(e)(6): At least every five (5) years after the completion of the initial process hazard analysis, the employer did not have a team, meeting the requirements in paragraph (e)(4) of this section, update and revalidate the process hazard analysis to assure that the process hazard analysis is consistent with the current process:

On or about March 6, 2013, the employer did not update and revalidate a previously conducted process hazard analysis of the covered process (propellant charging), at Fox Valley Systems, Inc.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.119(f)(4): The employer did not develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tag out; confined space entry; opening process equipment or piping; and control over entrance into a facility by maintenance, contractor, laboratory, or other support personnel:

On or about March 6, 2013, the employer did not develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tag out; confined space entry; opening process equipment or piping for the covered process (propellant charging) at Fox Valley Systems, Inc.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.119(g)(1)(i): The employer did not train each employee in an overview of the process:

On or about March 6, 2013, the employer did not train each employee in an overview of the covered process (propellant charging) at Fox Valley Systems, Inc., and in safe operating procedures and work practices.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/09/2013
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Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

Citation 1 Item 15 Type of Violation: **Serious**

29 CFR 1910.119(j)(3): The employer did not train employees, or contract employees, involved in maintaining the on-going integrity of process equipment in an overview of the inspection process and the procedures required to perform the employee's job tasks.

On or about March 6, 2013, the employer did not train employees, or contract employees, involved in maintaining the on-going integrity of process equipment in an overview of the inspection process and the procedures required to perform the employee's job tasks for the covered process (propellant charging) at Fox Valley Systems, Inc.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/09/2013
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Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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 16 a Type of Violation: **Serious**

29 CFR 1910.119(n): The employer did not establish an emergency plan for the entire plant in accordance with the provisions of 29 CFR 1910.38:

On or about March 6, 2013, Fox Valley Systems owned and operated a covered process (propellant charging). The employer did not establish an emergency plan for the entire plant in accordance with the provisions of 29 CFR 1910.38.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/10/2013
Proposed Penalty:	\$2800.00

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Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

Citation 1 Item 16 b Type of Violation: **Serious**

29 CFR 1910.38(c)(1): Procedures for reporting a fire or other emergency;

On or about March 6, 2013, Fox Valley Systems, Inc., was required, by 29 CFR 1910.119, to develop an emergency action plan. The plan did not include procedures for reporting a fire or other emergency.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **10/10/2013**

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: 893753
Inspection Date(s): 03/06/2013 - 09/05/2013
Issuance Date: 09/05/2013



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

Citation 1 Item 16 c Type of Violation: **Serious**

29 CFR 1910.165(b)(1): The employee alarm system did not provide warning for necessary emergency action as called for in the emergency action plan, or for reaction time for safe escape of employees from the workplace or the immediate work area, or both:

On or about March 6, 2013, an explosion and fire occurred at the Fox Valley Systems, Inc., facility, located in Cary, Illinois. The employee alarm system did not provide warning for necessary emergency action, during this incident, as called for in the emergency action plan as required by 1910.119(n) and 1910.38.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **10/10/2013**

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: 893753
Inspection Date(s): 03/06/2013 - 09/05/2013
Issuance Date: 09/05/2013



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

Citation 1 Item 17 Type of Violation: **Serious**

29 CFR 1910.119(o)(1): The employer did not certify that they have evaluated compliance with the provisions of this section at least every three years:

On or about March 6, 2013, for the covered process (propellant charging) at Fox Valley Systems, Inc., the employer did not certify that they had evaluated compliance with this section at least every three years.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/09/2013
Proposed Penalty:	\$2800.00

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: 893753
Inspection Date(s): 03/06/2013 - 09/05/2013
Issuance Date: 09/05/2013



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

Citation 1 Item 18 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:

On or about March 6, 2013, a relocatable power tap, located in the packaging area of the general warehouse, used to power warming lights, was attached to the equipment in such a way as to violate the Underwriter Laboratories, Inc., standard UL1363; the physical mounting of a relocatable power tap is allowable as long as it shall not require the use of tools to remove it. The relocatable power tap was attached to the process equipment with zip-ties which would require a knife or scissors to remove.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/25/2013
\$1200.00

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: 893753
Inspection Date(s): 03/06/2013 - 09/05/2013
Issuance Date: 09/05/2013



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

Citation 1 Item 19 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:

On or about March 6, 2013, the following electrical equipment, at Fox Valley Systems, Inc., did not have a continuous path to ground:

- a. The connection from path to ground on the emergency lights located in the shipping area/general warehouse was not continuous.
- b. The connection from path to ground on the heat lamps mounted on the tippers located in the packaging and shipping area was not continuous.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/10/2013
Proposed Penalty:	\$2000.00

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: 893753
Inspection Date(s): 03/06/2013 - 09/05/2013
Issuance Date: 09/05/2013



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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 20 a Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(i): Conductors entering cutout boxes, cabinets, or fittings were not protected from abrasion:

On or about March 6, 2013, the conductor entering the box on the emergency lighting in the general warehouse, at Fox Valley Systems, Inc., was not protected from abrasion.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/10/2013
Proposed Penalty:	\$2800.00

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: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

Citation 1 Item 20 b Type of Violation: **Serious**

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

On or about March 6, 2013, the openings through which conductors enter were not effectively closed for the following equipment at Fox Valley Systems, Inc.:

- a. The unused opening, on the circuit box located on the wall behind the table saw in the woodworking area of the general warehouse, was not effectively closed.
- b. The unused opening on the circuit box, DP2, located in the general warehouse area, was not effectively closed.
- c. The unused opening on the control box of the stand mixer in the production room was not effectively closed. The production room is classified as a hazardous location.
- d. The unused opening on the limit switch on the stand mixer in the production room was not effectively closed. The production room is classified as a hazardous location.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/25/2013

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

Inspection Number: 893753
Inspection Date(s): 03/06/2013 - 09/05/2013
Issuance Date: 09/05/2013



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

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:

On or about March 6, 2013, employees at Fox Valley Systems, Inc. were not able to open the exit door from the conveyor room (conveyor alley) from the inside at all times without keys, tools, or special knowledge. The door was locked from the outside.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/25/2013
Proposed Penalty:	\$35000.00

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: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

On or about March 6, 2013, the employer did not maintain the following exits in the conveyor room (conveyor alley) free and unobstructed at Fox Valley Systems, Inc.:

- a. The exit route from the conveyor room (conveyor alley) to the exit door was blocked with a pallet and other debris. The employee had only 10 inches of clear, unobstructed floor space to get to the exit door.
- b. The exit door from the conveyor room (conveyor alley) to the parking lot was blocked by snow which had been plowed up against the door.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/25/2013
Proposed Penalty:	\$35000.00



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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: **Willful**

29 CFR 1910.119(d)(3)(i): The employer did not compile information pertaining to the equipment in the process:

On or about March 6, 2013, the employer did not compile information pertaining to the equipment in the covered process (propellant charging) at Fox Valley Systems, Inc., such as, but not limited to: materials of construction, piping and instrument diagrams (P&IDs), electrical classification, relief system design and design basis, ventilation system design, design codes and standards employed, material and safety systems (e.g., interlocks, detection or suppression systems).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/09/2013
Proposed Penalty:	\$35000.00



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.119(d)(3)(ii): The employer did not document that equipment complies with recognized and generally accepted good engineering practices:

On or about March 6, 2013, Fox Valley Systems, Inc., did not document that the covered process equipment (propellant charging) complied with recognized and generally accepted good engineering practices such as, but not limited to, NFPA 30 B Code for the Manufacture and Storage of Aerosol Products, NFPA 77 Recommended Practices on Static Electricity, NFPA 91 Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids. Documented deficiencies include but are not limited to:

- a. Conveyor systems between the production area (filling) and the flammable propellant charging rooms (gas house) included covers that were not open at the bottom and did not prevent flammable vapors from entering the production area through the conveyor enclosure as required by NFPA 30B (2011) Section 5.13.1.3.
- b. The design and construction of conveyor lines in the flammable propellant charging rooms (gas house) did not provide for direct access to the secondary emergency exit route as required by NFPA 30B (2011) Section 4.2.2.2.
- c. The flammable propellant charging rooms (gas house) were not provided with an approved, operational gas detection system that is equipped with interlocks to provide for propellant supply shutdown, aerosol line shutdown, audible and visual alarms, and emergency ventilation rates as required by NFPA 30B (2011) Sections 5.7.1, 5.7.2, and 5.12.
- d. The flammable propellant charging rooms were not provided with a deflagration suppression system as required by NFPA 30B (2011) Section 5.11.1.

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: 893753
Inspection Date(s): 03/06/2013 - 09/05/2013
Issuance Date: 09/05/2013



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

- e. Gas detection sensors were not provided with detection heads within conveyor enclosures between the production area (filling) and the flammable propellant charging rooms (gas house) as discussed in NFPA 30B (2011) Section A.5.7.
- f. The exhaust ventilation system for the propellant charging rooms (gas house) were not provided with a make-up air system required by NFPA 30B (2011) Section 5.4.1.1.
- g. The exhaust ventilation system for the propellant charging rooms (gas house) did not minimize the use of non-metallic flexible duct to specific equipment inlets where movability/portability or vibration reduction was necessary as required by NFPA 91 (2010) Sections 4.4.12 and 8.2.1 and NFPA 77 Section 8.4.3.1.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/09/2013

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: 893753
Inspection Date(s): 03/06/2013 - 09/05/2013
Issuance Date: 09/05/2013



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.119(f)(1): The employer did not develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information:

On or about March 6, 2013, the employer did not develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in the covered process (propellant charging), at Fox Valley Systems, Inc.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/09/2013
Proposed Penalty:	\$35000.00

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: 893753
Inspection Date(s): 03/06/2013 - 09/05/2013
Issuance Date: 09/05/2013



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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 5 a Type of Violation: **Willful**

29 CFR 1910.119(j)(2): The employer did not establish written procedures to maintain the on-going integrity of process equipment:

On or about March 6, 2013, the employer did not establish written procedures to maintain the on-going integrity of the process equipment for the covered process (propellant charging) at Fox Valley Systems, Inc.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/09/2013
Proposed Penalty:	\$35000.00

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: 893753
Inspection Date(s): 03/06/2013 - 09/05/2013
Issuance Date: 09/05/2013



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

Citation 2 Item 5 b Type of Violation: **Willful**

29 CFR 1910.119(j)(4)(i): The employer did not perform inspection and tests on process equipment:

On or about March 6, 2013, the employer did not perform inspections and tests on the equipment within the covered process (propellant charging) at Fox Valley Systems, Inc., such as but not limited to, the propellant pressure vessels, the related pressure relief valves; pumps, piping systems and relief venting; atmospheric solvent tanks, pumps and piping systems; atmospheric resin tanks, pumps and piping systems; emergency ventilation system and controls; and flammable gas detection system and controls, etc.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/09/2013

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: 893753
Inspection Date(s): 03/06/2013 - 09/05/2013
Issuance Date: 09/05/2013



Citation and Notification of Penalty

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013

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

29 CFR 1910.178(c)(2)(iv): Power-operated industrial trucks designated as DY, EE, or EX were not used in locations where volatile flammable liquids or flammable gases were handled, processed or used, but in which the hazardous liquids, vapors or gases will normally be confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown of such containers or systems, or in the case of abnormal operation of equipment:

On or about March 6, 2013, power-industrial trucks designated as DY, EE, or EX were not used in the production room at Fox Valley Systems, Inc. The propane-powered industrial trucks used in the production room were designated as LP and LPS. The production room is classified as a Class I, Division 2, and hazardous location.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/10/2013
Proposed Penalty: \$35000.00

A handwritten signature in black ink that reads "Kathy Webb". The signature is written in a cursive style and is positioned above a horizontal line.

Kathy Webb
Area Director

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
365 Smoke Tree Plaza
North Aurora, IL 60542
Phone: 630-896-8700 Fax: 630-892-2160



INVOICE / DEBT COLLECTION NOTICE

Company Name: FOX VALLEY SYSTEMS, INC.
Inspection Site: 640 INDUSTRIAL DRIVE, Cary, IL 60013
Issuance Date: 09/05/2013

Summary of Penalties for Inspection Number	893753
Citation 1, Serious	\$52,000.00
Citation 2, Willful	\$210,000.00
TOTAL PROPOSED PENALTIES	\$262,000.00

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.

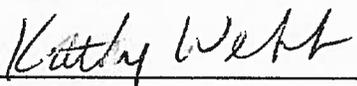
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts 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

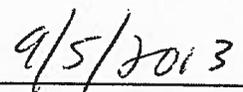
penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order 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.



Kathy Webb
Area Director



Date