

U.S. Department of Labor

Occupational Safety and Health Administration
1030 St. Georges Ave.
Suite 205
Avenel, NJ 07001
Phone: (732)750-3270 FAX: [732]750-4737
OSHA Website Address: <http://www.osha.gov>



Citation and Notification of Penalty

To: Ms. Kim Tupy, Director of H.R.
New Brunswick Scientific CO., Inc.
and its successors
P.O. Box 4005
Edison, NJ 08818

Inspection Number: 313986697
Inspection Date(s): 04/11/2011 - 04/25/2011
Issuance Date: 10/06/2011

Inspection Site:
44 Talmadge Rd.
Edison, NJ 08817

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 page 3 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 violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/06/2011. The conference will be held at the OSHA office located at 1030 St. Georges Ave., Suite 205, Avenel, NJ, 07001 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

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

Inspection Number: 313986697
Inspection Dates: 04/11/2011 - 04/25/2011
Issuance Date: 10/06/2011



Citation and Notification of Penalty

Company Name: New Brunswick Scientific CO., Inc.
Inspection Site: 44 Talmadge Rd., Edison, NJ 08817

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

29 CFR 1910.36(d)(1): Exit(s) were locked or fastened, preventing free escape from inside of the building:

1/ New Brunswick Scientific CO., Inc./Edison NJ Site - Rear Main Exit Door: Exit door #1 leading to the outside of the building, was locked preventing employees from safe egress in the event of an emergency.

Observed on/or about 4/14/11.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 5000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: New Brunswick Scientific CO., Inc.
Inspection Site: 44 Talmadge Rd., Edison, NJ 08817

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

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

29 CFR 1910.37(a)(3): Exit routes were not continuously maintained free of obstructions or impediments to full instant use in the case of fire or other emergency:

1/ New Brunswick Scientific CO., Inc./Edison NJ Site - Refrigeration Area:

a/ Assembly Area: Flexible cords were found on the floor exposing employees to a trip hazard while exiting the building in the event of a fire or other emergency.

Condition observed on/or about 4/14/11

b/ Exit door # 17: Oil was found in the exit route intended to be used in the event of a fire and/or other emergency.

Condition observed on/or about 4/19/11.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 5000.00



Citation and Notification of Penalty

Company Name: New Brunswick Scientific CO., Inc.
Inspection Site: 44 Talmadge Rd., Edison, NJ 08817

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

29 CFR 1910.37(b)(4): Sign(s) reading "EXIT", or similar designation, with an arrow indicating the direction, were not placed in every location where the direction of travel to reach the nearest exit was not immediately apparent:

1/ New Brunswick Scientific CO., Inc./Edison NJ Site - Warehouse/Part Storage: Area was not provided with signs and/or markings indicating direction of travel in the event of an emergency.

Condition observed on or about 04/14/11.

Date By Which Violation Must be Abated: 10/17/2011



Citation and Notification of Penalty

Company Name: New Brunswick Scientific CO., Inc.
Inspection Site: 44 Talmadge Rd., Edison, NJ 08817

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

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

29 CFR 1910.147(c)(1): The employer did not establish an energy control program consisting of energy control procedures, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, start up or release of stored energy could occur and cause injury, the machine or equipment would be isolated, and rendered inoperative:

1/ New Brunswick Scientific CO., Inc./Edison NJ Site - Employees are required to repair and service the equipment used in the process. The employer did not establish an energy control program consisting of employee training and procedures to assist/protect employees performing any work/service on the equipment. Including but not limited to:

- a/ DO All Bandsaws
- b/ Cincinnati Press Brakes

Condition observed on/or about 4/11/11.

Date By Which Violation Must be Abated: 11/21/2011
Proposed Penalty: \$ 5000.00



Citation and Notification of Penalty

Company Name: New Brunswick Scientific CO., Inc.
Inspection Site: 44 Talmadge Rd., Edison, NJ 08817

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

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

1/ New Brunswick Scientific CO., Inc./Edison NJ site - No procedures were developed to assist employees required to service/maintain the equipment on regular basis. Including but not limited to:

a/ Cincinnati Press Brakes.

Condition observed on/or about 4/11/11.

Date By Which Violation Must be Abated: 11/21/2011

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

29 CFR 1910.147(c)(7)(i) (A): Each authorized employee(s) did not receive 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:

1/ New Brunswick Scientific CO., Inc./Edison NJ Site: Training provided by the employer was inadequate, in that, operators were not familiar with the purpose and function of the energy control program.

Condition observed on/or about 4/11/11.

Date By Which Violation Must be Abated: 11/21/2011



Citation and Notification of Penalty

Company Name: New Brunswick Scientific CO., Inc.
Inspection Site: 44 Talmadge Rd., Edison, NJ 08817

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

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

a/ New Brunswick Scientific CO., Inc./Edison NJ Site - Assembly/Bracing Area: Employer did not ensure fire extinguisher(s) were readily accessible in case of an emergency, in that, two (2) rolling tables and wood packaging material were placed in front of the fire extinguisher, blocking access to it.

Condition observed on/or about 4/14/11.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 3000.00

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

29 CFR 1910.178(l)(4)(iii): At least once every three years the employer shall evaluate each powered industrial truck operator's performance:

1/ New Brunswick Scientific CO., Inc./Edison NJ Site: Powered industrial truck operator was not evaluated at least once every three years. Evaluation to include, but not limited to driving skills, review of safe operations, etc. The evaluation shall be documented to include the name of the operator evaluated, the name of the person conducting the evaluation and the date of the evaluation.

Condition observed on/or about 04/14/11.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 5000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: New Brunswick Scientific CO., Inc.
Inspection Site: 44 Talmadge Rd., Edison, NJ 08817

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

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

29 CFR 1910.179(j)(2)(iv): Monthly inspections of hoist chains, with signed reports, were not performed:

1/ New Brunswick Scientific CO., Inc./Edison NJ Site - Sheet Metal/Receiving: The employer did not conduct and certify monthly inspections of the hoist chains. Certification to include but not limited to, the date of the inspection, the signature of the person who performed the inspection and an identifier of the chain which was inspected. Equipment to include, but not limited to the following:

a/ 3 Ton Electro Lift hoist used to unload raw material.

b/ 3 Ton Harrington hoist used to handle raw material.

Condition observed on/or about 4/19/11.

Date By Which Violation Must be Abated:

10/31/2011

Proposed Penalty:

\$ 5000.00



Citation and Notification of Penalty

Company Name: New Brunswick Scientific CO., Inc.
Inspection Site: 44 Talmadge Rd., Edison, NJ 08817

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

29 CFR 1910.179(j)(2)(iii): Monthly inspections of hooks, with signed reports, were not performed:

1/ New Brunswick Scientific CO., Inc./Edison NJ Site - Sheet Metal/Receiving: The employer did not conduct and certify monthly inspections of the hooks. Certification to include but no limited to, the date of the inspection, the signature of the person who performed the inspection and the serial number, or other identifier, o the hook inspected.

a/ 3 Ton Electro Lift hoist used to unload raw material.

b/ 3 Ton Harrington hoist used to handle raw material.

Condition observed on/or about 4/19/11.

Date By Which Violation Must be Abated:

10/31/2011



Citation and Notification of Penalty

Company Name: New Brunswick Scientific CO., Inc.
Inspection Site: 44 Talmadge Rd., Edison, NJ 08817

Citation 1 Item 7 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.

1/ New Brunswick Scientific CO., Inc./Edison NJ Site - Sheet Metal Department: Equipment used in the process was not provided with any type of machine guarding method to prevent accidental contact during operation. Equipment includes, but not limited to the following:

a/ Leland Faraday Surface Sander (1740 RPM)/Stock # M30910A.

b/ DQALL vertical band saw with a 1/2 inch blade and adjustable speeds./NBS asset # 1169.

Condition observed on/or about 04/19/11.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 5000.00



Citation and Notification of Penalty

Company Name: New Brunswick Scientific CO., Inc.
Inspection Site: 44 Talmadge Rd., Edison, NJ 08817

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

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch:

1/ New Brunswick Scientific CO., Inc./Edison NJ Site - Machine Shop: Baldor bench grinder (Dual abrasive wheels) where the distance between the grinding wheels and the tongue guard or the end of the wheel guard exceeded one fourth inch.

a/ Left side measured approx. 1" from the grinding wheel and the end of the wheel guard at the top.

b/ Right side measured approx. 1/2" from the grinding wheel and the tongue guard mounted on the wheel guard at the top.

Condition observed on/or about 04/19/11.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 4000.00



Citation and Notification of Penalty

Company Name: New Brunswick Scientific CO., Inc.
Inspection Site: 44 Talmadge Rd., Edison, NJ 08817

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

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

29 CFR 1910.303(b)(8)(i): Electric equipment was not firmly secured to the surface on which it was mounted:

1/ New Brunswick Scientific CO., Inc./Edison NJ Site - Refrigeration Area: Outlet box used to power a Netgear communication hub was not secured to prevent damage.

Condition observed on/or about 4/14/11.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 3000.00



Citation and Notification of Penalty

Company Name: New Brunswick Scientific CO., Inc.
Inspection Site: 44 Talmadge Rd., Edison, NJ 08817

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

29 CFR 1910.303(g)(1)(ii): Working space about electric equipment rated 600 volts, nominal, or less was used for storage:

a/ New Brunswick Scientific CO., Inc./Edison NJ Site - Assembly/Bracing Area: Electrical panel box, rated 230 Volts, was not maintained free of storage, in that, two (2) rolling tables and wood packaging material were placed next to the electrical box, blocking the access way.

Condition observed on/or about 4/14/11.

Date By Which Violation Must be Abated: **Corrected During Inspection**

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

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

1/ New Brunswick Scientific CO., Inc./Edison NJ Site - Shaker Assembly Area: Test fixture J-2911, rated 110V, where employees were exposed to live electrical parts during the testing of bearing housings. Live parts were not guarded and/or protected against accidental contact.

Condition observed on/or about 4/14/11.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$ 5000.00**



Citation and Notification of Penalty

Company Name: New Brunswick Scientific CO., Inc.
Inspection Site: 44 Talmadge Rd., Edison, NJ 08817

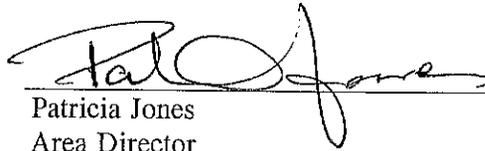
Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(a): Flexible cord was used as a substitute for the fixed wiring of a structure.

1/ New Brunswick Scientific CO., Inc./Edison NJ Site - Powder Coating Area: Mixing motor was powered by extension cord.

Condition observed on/or about 4/19/11.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 5000.00


Patricia Jones
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration

1030 St. Georges Ave.

Suite 205

Avenel, NJ 07001

Phone: (732)750-3270 FAX: (732)750-4737

OSHA Website Address: <http://www.osha.gov>



INVOICE/ DEBT COLLECTION NOTICE

Company Name: New Brunswick Scientific CO., Inc.
Inspection Site: 44 Talmadge Rd., Edison, NJ 08817
Issuance Date: 10/06/2011

Summary of Penalties for Inspection Number 313986697

Citation 1, Serious = \$ 50000.00
TOTAL PROPOSED PENALTIES = \$ 50000.00

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

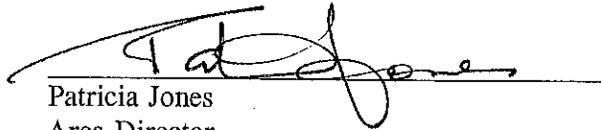
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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


Patricia Jones
Area Director

10/6/2011
Date