

U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Office Building - Room 620  
200 North High Street  
Columbus, OH 43215-2497  
Phone: (614)469-5582 FAX: (614)469-6791



## Citation and Notification of Penalty

**To:**  
Marietta Industrial Enterprises, Inc. dba MIE

**Inspection Number:** 314593690  
**Inspection Date(s):** 03/31/2011 - 09/08/2011

and its successors  
17943 State Route 7  
Marietta, OH 45750

**Issuance Date:** 09/22/2011

**Inspection Site:**  
17943 State Route 7  
Marietta, OH 45750

7011 0110 0001 3192 8038

*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 and complete the conference with the Area Director prior to the expiration of the contest period (15 government working days). 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 telephone immediately if, you wish to schedule an informal conference. 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.

As a letter of contest immediately places the case in litigation, an informal conference will not be held following OSHA receipt of a contest letter. Please have your conference first, and if a settlement is not reached, you may contest at that point. The running of the 15 working day contest period is not interrupted by an informal conference.

**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.

**Inspection Activity Data** - You should be aware that OSHA publishes information regarding its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [WWW.OSHA.GOV](http://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 09/22/2011. The conference will be held at the OSHA office located at Federal Office Building - Room 620, 200 North High Street, Columbus, OH, 43215-2497 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



**Citation and Notification of Penalty**

Company Name: Marietta Industrial Enterprises, Inc. dba MIE  
Inspection Site: 17943 State Route 7, Marietta, OH 45750

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

29 CFR 1910.23(e)(1): Standard railing(s) did not have a vertical height of 42 inches nominal from the upper surface of the top rail to the floor:

- a. In rebay building, on the sorting line, work station chute #1 had a standard railing of approximately 26-29 inches in height.
- b. In rebay building, on the sorting line, work station chute #2 had a standard railing of approximately 26-29 inches in height.
- c. In rebay building, on the sorting line, work station chute #3 had a standard railing of approximately 26-29 inches in height.
- d. In rebay building, on the sorting line, work station chute #4 had a standard railing of approximately 26-29 inches in height.
- e. In rebay building, on the sorting line, work station chute #5 had a standard railing of approximately 26-29 inches in height.
- f. In rebay building, on the sorting line, work station chute #6 had a standard railing of approximately 26-29 inches in height.
- g. In rebay building, on the sorting line, work station chute #7 had a standard railing of approximately 26-29 inches in height.
- h. In rebay building, on the sorting line, work station chute #8 had a standard railing of approximately 26-29 inches in height.
- i. In rebay building, on the sorting line, work station chute #9 had a standard railing of approximately 26-29 inches in height.
- j. In rebay building, on the sorting line, work station chute #10 had a standard railing of approximately 26-29 inches in height.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 3600.00

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



**Citation and Notification of Penalty**

Company Name: Marietta Industrial Enterprises, Inc. dba MIE  
Inspection Site: 17943 State Route 7, Marietta, OH 45750

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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(b)(2): Exit(s) were not clearly visible and marked by a sign reading "EXIT":

- a. In the rebay building, the northeast door did not have an exit sign.

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 3600.00

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

29 CFR 1910.37(b)(4): The line of sight to an exit sign was not clearly visible at all times:

- a. In the rebay building, throughout the facility the manner of exit was not visible or obvious and the employer had not posted directional signs to the nearest exit(s).

Date By Which Violation Must be Abated:	10/25/2011
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**Citation 1 Item 2c** Type of Violation: **Serious**

29 CFR 1910.37(b)(6): Exit sign(s) were not suitably illuminated by a reliable light source which gave a value of not less than five (5) foot candles (54 lux) on the illuminated surface:

- a. In the rebay building, the plain paper sign marking the south exit was not illuminated by an electrical or chemical light source.

Date By Which Violation Must be Abated:	10/25/2011
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See pages 1 through ? of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



### **Citation and Notification of Penalty**

**Company Name:** Marietta Industrial Enterprises, Inc. dba MIE  
**Inspection Site:** 17943 State Route 7, Marietta, OH 45750

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

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

- a. In the workplace buildings such as but not limited to, the rebay building, the employer did not determine if the work areas contained any permit required confined space(s) such as, but not limited to, the pit below the Bollegraff horizontal baler, model HBC50, serial number 88-76.90-2.

#### **Abatement Documentation Required**

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 3600.00

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

29 CFR 1910.178(q)(7): Industrial trucks were not examined before being placed in service:

- a. In the rebay building, a Mitsubishi forklift model FG25N-LP, serial number AF17D10977, had a horn that did not function and a strobe warning light that was inoperative.

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 3600.00

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



### **Citation and Notification of Penalty**

**Company Name:** Marietta Industrial Enterprises, Inc. dba MIE  
**Inspection Site:** 17943 State Route 7, Marietta, OH 45750

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

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

- a. In the rebay building, the Piqua Vertical Baler, serial number 5185, was not guarded in that the interlock safety device on the gate had been bypassed thereby exposing employees to a caught in hazard.

##### **Abatement Documentation Required**

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 4500.00

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

29 CFR 1910.212(a)(4): Revolving drum(s), barrel(s), or container(s) were not guarded by enclosure(s) which were interlocked with the drive mechanism so that the barrel(s), drum(s), or container(s) could not revolve unless the enclosure(s) were in place:

- a. In the rebay building, the employer had removed part of the top section of the infeed hopper which guarded entry into the revolving drum of the Mor-Screen Trommel, model PT727, serial number 32168, thereby exposing employees to a caught in hazard.

##### **Abatement Documentation Required**

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 6300.00

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See pages 1 through 7 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.





**Citation and Notification of Penalty**

**Company Name:** Marietta Industrial Enterprises, Inc. dba MIE  
**Inspection Site:** 17943 State Route 7, Marietta, OH 45750

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

29 CFR 1910.212(a)(5): Fan blade guard(s) were not provided where the periphery of the blades was less than seven feet from the floor or working level:

- a. In the rebay building, the fan blade on the diesel motor of the Morbark trommel screen machine model PT727, serial number 32168, was not guarded thereby exposing employees to an amputation hazard.

**Abatement Documentation Required**

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 3600.00

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

29 CFR 1910.305(e)(1): Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations were not installed to prevent moisture and/or water from entering and accumulating within the enclosures:

- a. In the rebay building, electrical circuit breaker boxes and disconnect boxes energized at up to 480 VAC were not designed for damp locations.

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 2700.00

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



### Citation and Notification of Penalty

**Company Name:** Marietta Industrial Enterprises, Inc. dba MIE  
**Inspection Site:** 17943 State Route 7, Marietta, OH 45750

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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 1910.305(g)(1)(iv)(A): Flexible cords were used as a substitute for fixed wiring of a structure:

- a. In the rebay building, the employer supplied a 220 Volt circuit through a flexible cord that was used as a substitute for providing approved fixed wiring to the permanently mounted Piqua vertical baler. Employees working below the run of the cord were exposed to fire hazards.

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 2700.00

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

29 CFR 1910.305(g)(2)(ii): Flexible cords were not used in continuous lengths without splice or tap:

- a. In the rebay building, the flexible cord on the Piqua Vertical Baler had been spliced to another length of flexible cord, thereby exposing the soft insulation of the inner conductors to contact with nearby metal surfaces. Employees working below the splice were exposed to hazardous arcing and fire hazards.

Date By Which Violation Must be Abated:	10/25/2011
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**Citation and Notification of Penalty**

**Company Name:** Marietta Industrial Enterprises, Inc. dba MIE  
**Inspection Site:** 17943 State Route 7, Marietta, OH 45750

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

29 CFR 1910.332(b)(1): Employees were not trained in and familiar with the safety-related work practices required by 29 CFR 1910.331 through 29 CFR 1910.335 that pertained to their respective job assignments:

- a. In the workplace, employee(s) who performed electrical work on or near energized parts such as, but not necessarily limited to, disconnects, and circuit breakers (up to 480 VAC), for tasks such as but not necessarily limited to, repair, testing, troubleshooting, voltage measuring, and other tasks, had not received training to understand the specific hazards associated with electrical energy and safety-related work practices and requirements as necessary to provide protection from the electrical hazards associated with their respective job or task assignments.

**Abatement Documentation Required**

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 4500.00



### Citation and Notification of Penalty

Company Name: Marietta Industrial Enterprises, Inc. dba MIE  
Inspection Site: 17943 State Route 7, Marietta, OH 45750

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

29 CFR 1910.333(a): Safety related work practices were not employed to prevent electrical shock or other injuries resulting from either direct or indirect electrical contacts, when work was performed near or on equipment or circuits which were or could be energized:

- a. In the workplace, the employer did not utilize safety-related work practices for employee(s) who performed work on or near electrical equipment such as, but not necessarily limited to, motor control centers, disconnects, and circuit breakers energized at up to 480 VAC for electrical related tasks such as, but not necessarily limited to, installing, wiring, repair, testing, troubleshooting, voltage measuring, and other tasks, neither a flash hazard analysis was conducted to determine the proper protection required nor was a flash protection boundary established to protect employees from electric shock, arc flash or blast.

**Abatement Note:** One method of abatement among others, includes conducting a Flash Hazard Analysis in compliance with NFPA 70E Standard for Electrical Safety in the Workplace (2004 Edition), Article 130.3 (or its equivalent), to determine the flash protection boundary and the use of electrical protective equipment necessary for the specific related hazards of each task.

#### **Abatement Documentation Required**

Date By Which Violation Must be Abated:	11/24/2011
Proposed Penalty:	\$ 4500.00

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



### Citation and Notification of Penalty

Company Name: Marietta Industrial Enterprises, Inc. dba MIE  
Inspection Site: 17943 State Route 7, Marietta, OH 45750

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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 12a Type of Violation: **Serious**

29 CFR 1910.335(a)(1)(i): Employees working in areas where there were potential electrical hazards were not provided with, and/or did not use, electrical protective equipment that was appropriate for the specific parts of the body to be protected and for the work to be performed:

- a. In the workplace, employee(s) who routinely performed electrical work on or near parts which were energized (up to 480 VAC) such as, but not necessarily limited to, motor control centers, disconnects, and circuit breakers performing tasks such as, but not necessarily limited to, installing, wiring, repair, testing, troubleshooting, voltage measuring, and other tasks, did not wear and were not provided with electrical protective equipment such as, but not limited to, arc rated clothing, and voltage rated gloves which was necessary for the electrical hazards of shock, arc flash or blast.

#### **Abatement Documentation Required**

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 4500.00

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



### Citation and Notification of Penalty

Company Name: Marietta Industrial Enterprises, Inc. dba MIE  
Inspection Site: 17943 State Route 7, Marietta, OH 45750

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

29 CFR 1910.335(a)(2)(i): When working near exposed energized conductors or circuit parts, each employee did not use insulated tools or handling equipment when the tools or handling equipment might have made contact with such conductors or parts:

- a. In the workplace, employee(s) who performed work on or near energized parts up to 480 VAC such as, circuit breakers, motor control centers, and disconnects, performing electrical tasks such as, but not limited to, installation, repair, wiring, testing, troubleshooting, voltage measuring, and other tasks were not provided, and did not use voltage rated tools and other equipment as necessary to protect the employee from electrical hazards such as, shock, arc flash, and arc blast.

Date By Which Violation Must be Abated: 10/25/2011

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 13a Type of Violation: **Serious**

29 CFR 1910.1030(c)(1)(i): The employer having employee(s) occupational exposure did not established a written Exposure Control Plan designed to eliminate or minimize employee exposure:

- a. In the rebay building, the employer did not establish a written exposure control plan for employees having occupational exposure by being exposed to contaminated needles and other potentially contaminated sharps while sorting recyclable material or performing servicing and maintenance on machines that processed recyclable material.

#### **Abatement Documentation Required**

Date By Which Violation Must be Abated: 10/25/2011  
Proposed Penalty: \$ 6300.00

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



**Citation and Notification of Penalty**

Company Name: Marietta Industrial Enterprises, Inc. dba MIE  
Inspection Site: 17943 State Route 7, Marietta, OH 45750

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

29 CFR 1910.1030(f)(1)(i): The employer did not make available the hepatitis B vaccine and vaccination series to all employees who had occupational exposure:

- a. In building 1, employees who were assigned to sort recycled material and were exposed to contaminated needles were not offered the Hepatitis B vaccination.
- b. In building 1, maintenance employees who were exposed to contaminated needles during machine repair or servicing were not offered the Hepatitis B vaccination.

**Abatement Documentation Required**

Date By Which Violation Must be Abated: 10/25/2011

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

29 CFR 1910.1030(g)(2)(i): The employer did not ensure that employees with occupational exposure participated in a training program:

- a. In the rebay building, the employer did not provide bloodborne pathogens training to employees with occupational exposure to blood such as, but not limited to, sorting line and maintenance employees

**Abatement Documentation Required**

Date By Which Violation Must be Abated: 10/25/2011



**Citation and Notification of Penalty**

**Company Name:** Marietta Industrial Enterprises, Inc. dba MIE  
**Inspection Site:** 17943 State Route 7, Marietta, OH 45750

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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 14a** Type of Violation: **Serious**

29 CFR 1910.1030(d)(4)(iii)(A)(2)(i): During use, containers for contaminated sharps were not easily accessible to personnel or located as close as was feasible to the immediate area where sharps were used or could be reasonably anticipated to be found (e.g., laundries):

- a. In the rebay building, the employer did not provide sharps containers at sorting line work stations where employees were exposed to contaminated needles and other sharps.

**Abatement Documentation Required**

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 4500.00

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

29 CFR 1910.1030(d)(4)(iii)(A)(1)(iv): Contaminated sharps were not discarded immediately or as soon as feasible in containers that were labeled or color coded in accordance with 29 CFR 1910.1030(g)(1)(i):

- a. In the rebay building, the employer did not provide a biohazard labeled container for employees exposed to contaminated sharps during sorting and/or maintenance of machines.

**Abatement Documentation Required**

Date By Which Violation Must be Abated:	10/25/2011
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See pages 1 through ? of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.





**Citation and Notification of Penalty**

**Company Name:** Marietta Industrial Enterprises, Inc. dba MIE  
**Inspection Site:** 17943 State Route 7, Marietta, OH 45750

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

29 CFR 1910.1030(d)(4)(iii)(A)(1)(i): Contaminated sharps were not discarded immediately or as soon as feasible in containers that were closable:

- a. In the rebay building, the employer did not provide a closable container for employees exposed to contaminated sharps during sorting and/or maintenance of machines.

**Abatement Documentation Required**

**Date By Which Violation Must be Abated:** 10/25/2011



**Citation and Notification of Penalty**

**Company Name:** Marietta Industrial Enterprises, Inc. dba MIE  
**Inspection Site:** 17943 State Route 7, Marietta, OH 45750

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

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

- a. In rebay building, the employer did not utilize the lockout/tagout procedure as it pertained to the isolation, blocking, and release of hazardous hydraulic, electrical, and kinetic energy for the Morbark Mor-Screen, model PT 727, serial number 32168 ("trommel"). while employees entered to service and maintain the equipment.
- b. In rebay building, the employer did not utilize the lockout/tagout procedure as it pertained to the isolation, blocking and release of hazardous hydraulic, electrical, and kinetic energy for the Bollegraaf Baler while employees entered to service and maintain the equipment.

**Abatement Documentation Required**

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 63000.00

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



**Citation and Notification of Penalty**

**Company Name:** Marietta Industrial Enterprises, Inc. dba MIE  
**Inspection Site:** 17943 State Route 7, Marietta, OH 45750

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

29 CFR 1910.147(d)(4)(i): Lock out or tagout devices were not affixed to each energy isolating device by authorized employees:

- a. In the Rebay building, the employer did not ensure that locks/tags were applied to the energy isolation point(s) of machines and equipment such as, but not limited to the Morbark Mor-Screen 727("trommel").

**Abatement Documentation Required**

Date By Which Violation Must be Abated: 10/25/2011

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

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure that the purpose and function of the energy control program was understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls were acquired by employees:

- a. In the rebay building, the employer did not instruct/train all employees on the procedure 12-C lockout/tagout program as it applied to their respective jobs.

**Abatement Documentation Required**

Date By Which Violation Must be Abated: 10/25/2011  
Proposed Penalty: \$ 63000.00



### Citation and Notification of Penalty

**Company Name:** Marietta Industrial Enterprises, Inc. dba MIE  
**Inspection Site:** 17943 State Route 7, Marietta, OH 45750

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#### Citation 3 Item 1 Type of Violation: **Other**

29 CFR 1904.8 (a): The employer did not record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material:

- a. In the rebay building, the employer did not record a needle stick from a contaminated needle to an employee that occurred in or around October - December 2010 on the 2010 OSHA log.

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 900.00

#### Citation 3 Item 2 Type of Violation: **Other**

29 CFR 1904.29(b)(1): A Log of all recordable work-related injuries and illnesses (OSHA Form 300 or equivalent), was not completed in the detail as required by the regulation:

- a. In the workplace, on the OSHA 300 log for 2011 the employer did not describe, in adequate detail, in all entries of column F, the injury, parts of the body affected, the object or substance that caused or was directly related to the injury or illness.

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 900.00

#### Citation 3 Item 3 Type of Violation: **Other**

29 CFR 1910.22(a)(1): Place(s) of employment were not kept clean and orderly, or in a sanitary condition:

- a. In the rebay building, on the sorting line catwalk, the employer did not ensure that unused boxes, paper, bottles, and other debris were removed thereby exposing employees to tripping hazards.

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 0.00

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



### Citation and Notification of Penalty

**Company Name:** Marietta Industrial Enterprises, Inc. dba MIE  
**Inspection Site:** 17943 State Route 7, Marietta, OH 45750

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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 3 Item 4a Type of Violation: Other

29 CFR 1910.134(c)(2)(i): When voluntary respirator use was permitted, the employer did not provide the respirator users with the information contained in 29 CFR 1910.134, Appendix D ("Information for Employees Using Respirators When Not Required Under the Standard"):

- a. In the rebay building, the employer issued filtering facepieces and half mask respirators to employees and did not provide the employees a copy of Appendix D.

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 0.00

#### Citation 3 Item 4b Type of Violation: Other

29 CFR 1910.134(c)(2)(ii) : When voluntary respirator use was permitted, the employer did not establish and implement those elements of a written respiratory protection program necessary to ensure that the respirator was cleaned, stored, and maintained so that its use did not present a health hazard to the user:

- a. In the rebay building, the employer failed to implement the elements of a written respiratory protection program that would ensure that employees who used respirators voluntarily were medically able to use that respirator, and that the respirator was cleaned, stored, and maintained so that their use did not present health hazards.

Date By Which Violation Must be Abated:	10/25/2011
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See pages 1 through ? of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Marietta Industrial Enterprises, Inc. dba MIE  
**Inspection Site:** 17943 State Route 7, Marietta, OH 45750

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**Citation 3 Item 5** Type of Violation: **Other**

29 CFR 1910.303(g)(1)(i): Workspace was less than 30 inches wide in front of electric equipment operating at 600 volts, nominal, or less:

- a. In the rebay building, on the north east side, bales of recyclable material two and three tiers high which was approximately 5-9 feet in height blocked access to the electrical circuit breakers and disconnects.

Date By Which Violation Must be Abated:	10/25/2011
Proposed Penalty:	\$ 0.00

A handwritten signature in black ink, appearing to read "Deborah L. Zubaty".

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Deborah L. Zubaty, Area Director  
Columbus Area Office

# U.S. Department of Labor

Occupational Safety and Health Administration  
Federal Office Building - Room 620  
200 North High Street  
Columbus, OH 43215-2497  
Phone: (614)469-5582 FAX: 614-469-6791

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



## INVOICE/ DEBT COLLECTION NOTICE

**Company Name:** Marietta Industrial Enterprises, Inc. dba MIE  
**Inspection Site:** 17943 State Route 7, Marietta, OH 45750  
**Issuance Date:** 09/22/2011

### Summary of Penalties for Inspection Number 314593690

Citation 1, Serious	= \$ 58500.00
Citation 2, Willful	= \$ 126000.00
Citation 3, Other	= \$ 1800.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$ 186300.00</b>

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 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 two 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.

  
Deborah J. Zubaty, Area Director  
Columbus Area Office

## NOTICE

Pursuant to the Debt Collection Act of 1982 (Pub. Law 97-365) and the Title 29 Code of Federal Regulations, Part 20, FAILURE TO REMIT PENALTY OWED OSHA may result in one or more of the following:

- \* Interest, administrative fees and/or delinquent charges being added
- \* Referral to OSHA's National Debt Collection Team
- \* Referral to debt collection agency (an additional fee will be assessed)
- \* Notification to commercial credit reporting agencies
- \* Notification to the Internal Revenue Service: Any amount owed may be withheld from your tax refund.

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Citation and Notification of Penalty.

If the hazards itemized on this citation(s) are not abated/corrected and a follow-up inspection is conducted, your establishment may receive Failure to Abate Citation for the uncorrected hazards with subsequent additional monetary penalties of up to thirty (30) times the original penalty amount of the uncorrected hazards.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this worksheet should be posted at the worksite with the Citation(s).

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: Marietta Industrial Enterprises, Inc. dba MIE  
Inspection Site: 17943 State Route 7, Marietta, OH 45750  
Issuance Date: 09/22/2011

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" or "Quick Fix Applied" and return this page to:

**U.S. Department of Labor - Occupational Safety and Health Administration, Federal Office Building - Room 620, 200 North High Street, Columbus, OH 43215-2497.**

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**NAME OF COMPANY OFFICIAL**

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**DATE**

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**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 for not more than six months or both.

**POSTING:** A copy of the completed Corrective Action Worksheet should be posted for employee review.