

**Michigan Department of Licensing and Regulatory Affairs**  
**Michigan Occupational Safety and Health Administration (MIOSHA)**

MIOSHA General Industry Safety & Health Division  
530 West Allegan Street  
P.O. Box 30644  
Lansing, MI 48909  
Phone: (517) 284-7750 Fax: (517) 284-7755



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## Citation and Notification of Penalty

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**To:**

Powder Cote II  
and its successors  
PO Box 368  
Mount Clemens, MI 48046

**Inspection Number:** 1365537  
**Inspection Date(s):** 12/12/2018 - 01/14/2019  
**Issuance Date:** 02/22/2019

**Inspection Site:**

50 N Rose St  
Mount Clemens, MI 48043

**Reporting ID:** 0552652  
**CSHO ID:** E4998  
**Optional Report Number:**

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**SUMMARY:** An inspection at the site noted above has revealed conditions we believe do not comply with the provisions of the Michigan Occupational Safety and Health Act, Act 154, of the P.A. of 1974, as amended (MIOSH Act). The nature of such alleged violation(s) is described on the citation(s) with reference to the applicable standards, rules, regulations, orders and provisions of the Act. Following is a list of items the employer must consider carefully, to resolve the issues alleged in the citation(s). Following this numbered summary is a more detailed explanation of the requirements.

1. The violation(s) alleged in the citation(s) must be corrected on or before the date(s) shown in the line marked "Date By Which Violation Must Be Abated". If the line is marked "Immediately Upon Receipt," the violation must be corrected on or before the date that the citation is received by the employer. If the violation was corrected during the inspection, the line will be marked "Abated." or "Corrected during inspection." Correcting a violation does not eliminate the requirement to pay the penalty nor does payment of the penalty negate having to correct the violation.
2. A copy of the citation(s) must be posted at or near the location of the violation(s) for a minimum of 3 days or until the item(s) have been corrected, whichever is later.
3. Documentation of abatement must be provided to the issuing division. Failure to provide such documentation may result in a follow-up inspection.
4. The employer may enter into a Penalty Reduction Agreement (PRA) that can result in a 50% reduction in any assessed penalties. The employer should apply for a PRA online at [www.michigan.gov/mioshapra](http://www.michigan.gov/mioshapra) within 5 workdays upon receiving a citation(s) if interested. An employer without access to a computer may contact the issuing division to request a PRA.
5. The employer may file a first appeal for modification or dismissal of a citation item and/or any proposed penalty or request an extension of time for abatement. **The appeal must be in writing and be postmarked within 15 workdays of receipt (workday is defined below).** The first appeal can also result in a penalty reduction of up to 50%. If an appeal is untimely, the citation(s) become a Final Order of the Board of Health and Safety Compliance and Appeals (Board) and is no longer subject to review by the issuing division. An employee or employee representative may appeal abatement dates.
6. Except under a PRA monetary penalties must be paid within 15 workdays of a citation becoming a Final Order of the Board.
7. The employer may file a request for an extension of time to abate a citation(s) that has become a Final Order of the Board. Such a request must be in writing and received or post marked no later than 1 working day following the abatement date.
8. It is unlawful to discriminate against an employee for exercising any of their rights under MIOSHA.

Note: As defined in statutes, “workday” or “working day” means any day other than a Saturday, Sunday, or state legal holiday. The state legal holidays are:

January 1, New Year’s Day  
The third Monday in January, Martin Luther King, Jr. Day  
February 12, Lincoln’s birthday  
The third Monday of February, Washington’s birthday  
The last Monday of May, Memorial or Decoration Day  
July 4, Independence Day  
The first Monday in September, Labor Day  
The second Monday in October, Columbus Day  
November 11, Veterans’ Day  
The fourth Thursday of November, Thanksgiving Day  
December 25, Christmas Day

Please note whenever January 1; February 12; July 4; November 11; or December 25 fall on a Sunday, the next Monday following is deemed a public holiday (non-working day) for appeal purposes. However, there is no compensating day when one of the five dated holidays falls on a Saturday. Also, when computing the 15 working days, you do not count the date on which it is received; you start with the next working day. Additionally, the count is based on when the citation was received at the employer’s location, not when it got to any particular person or office at the employer’s location.

**I–CITATIONS:** The nature of the alleged violation(s) is described on the enclosed citation(s). These conditions must be corrected on or before the date(s) shown in the line marked “Date By Which Violation Must Be Abated.” The issuing division may be contacted by telephone at the number indicated on the front of the citation for the purpose of discussing any issues related to the inspection or citation(s).

A copy of the citation(s) must be posted at or near the location of the violation for a minimum of 3 days or until the items have been corrected, whichever is later. The MIOSH Act provides for civil penalties of up to \$7,000 for each violation for failure to comply with posting requirements.

When compliance is achieved, a copy of the citation must be signed and returned to the issuing division along with documentation of abatement.

Documentation of abatement for citation items originally classified as “serious,” “repeat,” “fail-to-abate,” “willful,” or “instance-by-instance,” require documentation as deemed appropriate by the issuing division. Examples of documentation for these violation classifications are:

- (a) A detailed description of how the violation was abated.
- (b) Work orders or an invoice indicating the corrective work that has been done.
- (c) Photographs of the abated conditions.
- (d) Other forms of conclusive evidence that your employees are no longer exposed to the hazard.

For citation items classified as “other,” submitting to the issuing division a signed copy of the citation item indicating the item has been abated is acceptable documentation of abatement. Submitting a document in writing, certifying abatement of the particular citation item is also acceptable for citation items classified as “other.”

If the employer does not provide adequate documentation of abatement, a re-inspection may be conducted. Failure to correct an alleged violation within the abatement period may result in new or additional proposed penalties.

Correcting a violation prior to the expiration of the abatement date does not eliminate the requirement to pay the penalty. Payment of the penalty does not eliminate the requirement of correcting the violation.

**II–PENALTY REDUCTION:** In addition to the appeal rights afforded by the MIOSH Act, the Michigan Occupational Safety and Health Administration has implemented a program for negotiating an expedited settlement of penalties with the employers known as a Penalty Reduction Agreement (PRA). This is a program designed to reach abatement of the hazard at the earliest possible opportunity and reduce the need for formal appeals. The penalty reduction (PRA) can result in a penalty reduction of 50% provided the issuing division and the employer agree to a number of specified conditions. These conditions include an agreement by the employer to accept all of the citations issued and to:

- (a) Not appeal further.
- (b) Abate all items within the abatement period.
- (c) Provide proof of abatement.
- (d) Pay all agreed upon penalties as required (within 15 working days of approval of the PRA.)
- (e) Abide by any other mutually agreed upon actions.

Inspections involving a fatality, the Severe Violator Enforcement Program (SVEP), or willful citations are not eligible for the program. Construction citations must be confirmed as corrected by the issuing division before a penalty reduction agreement can be approved.

If you are interested in pursuing a PRA, you should apply online at [www.michigan.gov/mioshapra](http://www.michigan.gov/mioshapra) **within 5 workdays upon receipt of the citation(s)**, but no later than the 15th workday beyond receipt of the citation(s). If you do not have access to a computer, you should contact the issuing division within the same timeframe to request a PRA. If the employer wishes to accept the conditions stated above and the process can be completed within 15 workdays from receipt, then no appeal need be filed.

**III–CITATION APPEAL:** An employer may file a first appeal to the issuing division in writing for modification or dismissal of a citation item and/or any proposed penalty or an extension of time for abatement. The first appeal can also result in a penalty reduction of up to 50% providing the issuing division and the employer agree to the conditions (a) through (e) as stated in Section II, PENALTY REDUCTION (above).

An employee or employee representative may appeal in writing the reasonableness of the abatement date(s). The envelope containing an appeal must be postmarked no later than the 15th workday following receipt of the citation.

If a citation is not appealed within 15 workdays of receipt, then the citation becomes a Final Order of the Board of Health and Safety Compliance and Appeals (Board). Final Order citations are not subject to review by the issuing division unless the Bureau of Hearings establishes good cause for the late appeal.

An appeal must specify the item(s) appealed and that portion of the item (e.g., violation, abatement date, penalty) which is being appealed and include a certification that the appeal has been posted or given to affected employees or their representatives. If the issuing division meets with the employer to discuss an appeal, the issuing division will notify the employee representative and allow attendance at the meeting.

The issuing division will notify an employer of its decision within 15 workdays of the receipt of the employer's written appeal. The decision must be posted at the location of the subject citation.

If an employer, employee or employee representative is not satisfied with this decision then they may file a second appeal. The appeal must be in writing and the envelope containing the second appeal must be postmarked within 15 workdays of the receipt of the issuing division's decision on the first appeal. If the issuing division's decision is not appealed then the citation becomes a Final Order of the Board.

**IV–PAYMENT OF MONETARY PENALTIES:** Unless subject to a PRA, payment must be made within 15 workdays of the date a proposed penalty of a citation becomes a Final Order of the Board. This would be the 30th workday after receipt of each citation item that is not appealed. For payment of a penalty, make a check or money order payable to the "State of Michigan" and remit to the issuing division at the address shown on the citation. Please record the inspection number, citation and item number on the check, money order or transmittal letter.

**V–EXTENSION OF TIME TO ABATE:** An employer may file a petition for modification of abatement date(s) (PMA) on an item of a citation, which has become a Final Order of the Board. The PMA must be submitted to the issuing division in writing by personal delivery or postmarked no later than one day following the abatement date, and a copy posted near the place the citation was posted. An employer must have made a good faith effort to correct the violation by the abatement date, and has or will not be successful because of factors beyond the employer's reasonable control. A PMA must include:

- (a) Steps taken to achieve compliance.
- (b) The specific additional abatement time necessary.
- (c) The reasons the additional time is needed.
- (d) Available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.
- (e) A certification that a copy of the PMA has been posted for employees at the location of the subject citation.

The posted copy must remain posted for a minimum of 10 workdays.

If the issuing division or affected employees file an objection to the PMA within 10 workdays of the employer's filing date, the Board will schedule a hearing and advise the employer of the date, time, and place of the hearing.

**VI–EMPLOYEE DISCRIMINATION:** Section 65 of the MIOSH Act, prohibits discrimination by an employer against an employee for filing a complaint or exercising any rights under the MIOSH Act, as amended. If an employee believes that he or she was discharged or otherwise discriminated against as a result of filing a complaint, they may file a complaint with the MIOSHA Employee Discrimination Section within 30 days after the violation occurs.

**VII-STATE CONSULTATION EDUCATION AND TRAINING SERVICES:** The MIOSHA Consultation Education and Training (CET) Division offers a wide range of services to help businesses with their health and safety practices. CET services include: helping employers create a Safety and Health Management System, seminars and workshops, onsite consultations, hazard surveys, an equipment loan program and information material. The majority of CET services are provided free of charge to Michigan employers and employees. For information on these services, contact the CET Division at (517) 284-7720 or visit their web site at [www.mi.gov/miosha](http://www.mi.gov/miosha).

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**Inspection Date(s):** 12/12/2018 - 01/14/2019  
**Issuance Date:** 02/22/2019  
**Optional Reporting Number:**

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

**Company Name:** Powder Cote II  
**Inspection Site:** 50 N Rose St, Mount Clemens, MI 48043

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#### **Citation 1 Item 1**

Type of Violation: **Serious**

1910.28(b)(1)(i): GI PART 2, WALKING-WORKING SURFACES [REF 408.10202]

Except as provided elsewhere in § 1910.28, the employer must ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the following:

- (A) Guardrail systems;
- (B) Safety net systems; or
- (C) Personal fall protection systems, such as personal fall arrest, travel restraint, or positioning systems.

(There were no fall protection or guardrail systems utilized when performing belt changes, and bearing greasing tasks on top of the oven located in Building 57.)

**Date By Which Violation Must be Abated:**

**March 27, 2019**

**Proposed Penalty:**

**\$4,500.00**

#### **Citation 1 Item 2**

Type of Violation: **Serious**

408.10716: GI PART 7, GUARDS FOR POWER TRANSMISSION

A revolving or reciprocating part, if exposed to contact, shall be guarded pursuant to R 408.10751 to R 408.10754.

(There were no guards around two (2) rotating shafts along with the top cooling mechanism for the mixers located in the chemical room located in Building 80.)

**Date By Which Violation Must be Abated:**

**March 27, 2019**

**Proposed Penalty:**

**\$5,000.00**

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**Citation and Notification of Penalty**

**Company Name:** Powder Cote II  
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**Citation 1 Item 3**

Type of Violation: **Serious**

408.13308(1): GI PART 33, PERSONAL PROTECTIVE EQUIPMENT

An employer shall assess the workplace to determine if hazards are present, or are likely to be present, that necessitate the use of personal protective equipment.

(The workplace hazard assessment was incomplete; in that it did not address potential hazards to the eyes from flying debris while performing spray-finishing and powder coating operations in Buildings 50, 57, 60, and 80.)

**Date By Which Violation Must be Abated:**

**March 27, 2019**

**Proposed Penalty:**

**\$4,500.00**

**Citation 2 Item 1**

Type of Violation: **Repeat-Serious**

408.12635(1)(b): GI PART 26, METALWORKING MACHINERY

The portion of the blade between the table and the front side of the upper wheel shall have an adjustable blade guard that is maintained with 1/4 inch of the work to be cut or the holder of the material being cut.

Powder Cote II was previously cited for a violation of this occupational safety and health standard or its equivalent standard, GI Part 26, Metalworking Machinery, Rule 408.12635(1)(b), which was contained in MIOSHA inspection number 315368290, citation number 1, item number 19, issued on August 8, 2014, with respect to a workplace located at 50 N. Rose St., Mt. Clemens, MI 48043.

(The adjustable blade guard was not maintained to within 1/4 inch of the steel stock that was cut on the Delta vertical band saw located in the welding area of Building 70.)

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

**Company Name:** Powder Cote II  
**Inspection Site:** 50 N Rose St, Mount Clemens, MI 48043

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<b>Date By Which Violation Must be Abated:</b>	<b>March 27, 2019</b>
<b>Proposed Penalty:</b>	<b>\$25,000.00</b>

#### **Citation 2 Item 2a**

Type of Violation: **Repeat-Serious**

1910.147(c)(4)(i): GI PART 85, THE CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT) [REF 408.18502]

Procedures shall be developed, documented and utilized for the **control of potentially hazardous energy** when employees are engaged in the activities covered by this section.

Powder Cote II was previously cited for a violation of this occupational safety and health standard or its equivalent standard, GI Part 85, The Control of Hazardous Energy Sources, Rule 1910.147(c)(4)(i) [Ref. 408.18502], which was contained in MIOSHA inspection number 315368290, citation number 2, item number 1, issued on August 8, 2014, with respect to a workplace located at 50 N. Rose St., Mt. Clemens, MI 48043.

(Energy control procedures were not utilized during the following:

- a. **When employee performs saw blade changes on the Markel horizontal band saw located in Building 70. Employee uses e-stop only to control energy to saw.**
- b. **When an employee enters the 80-5 wash tunnel in building 80 to perform spray nozzle changes. Employee only hits/activates e-stop to shut off conveyor.)**

<b>Date By Which Violation Must be Abated:</b>	<b>March 27, 2019</b>
<b>Proposed Penalty:</b>	<b>\$25,000.00</b>

#### **Citation 2 Item 2b**

Type of Violation: **Repeat-Serious**

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**Issuance Date:** 02/22/2019  
**Optional Reporting Number:**

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

**Company Name:** Powder Cote II  
**Inspection Site:** 50 N Rose St, Mount Clemens, MI 48043

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1910.147(c)(7)(i)(A): GI PART 85, THE CONTROL OF HAZARDOUS ENERGY SOURCES  
(LOCKOUT/TAGOUT) [REF 408.18502]

Each authorized employee shall 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.

Powder Cote II was previously cited for a violation of this occupational safety and health standard or its equivalent standard, GI Part 85, The Control of Hazardous Energy Sources, Rule 1910.147(c)(7)(i)(A) [Ref. 408.18502], which was contained in MIOSHA inspection number 315368290, citation number 2, item number 2, issued on August 8, 2014, with respect to a workplace located at 50 N. Rose St., Mt. Clemens, MI 48043.

(The appropriate level of energy isolation training was not provided to employee who performs saw blade changes on the Markel horizontal band saw, and changed nozzles in the 80-5 washer. Employee only isolates power with the activation of an e-stop.)

<b>Date By Which Violation Must be Abated:</b>	<b>March 27, 2019</b>
<b>Proposed Penalty:</b>	<b>\$0.00</b>

### **Citation 3 Item 1**

Type of Violation: **Other-than-Serious**

408.10125: GI PART 1A, ABRASIVE WHEELS

A guard for an abrasive wheel on a bench, floor or cylindrical grinder shall be constructed so that the peripheral protecting member can be adjusted to the decreasing diameter of the abrasive wheel. The distance between the abrasive wheel and the end of the peripheral member at the top shall not exceed 1/4 inch. An adjustable tongue may be used to achieve this dimension.

(The left side tongue guard on the Black & Decker bench grinder, located in Building 70, was not adjusted to within 1/4 inch of the abrasive wheel.)

<b>Date By Which Violation Must be Abated:</b>	<b>March 27, 2019</b>
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**Citation and Notification of Penalty**

**Company Name:** Powder Cote II  
**Inspection Site:** 50 N Rose St, Mount Clemens, MI 48043

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**Proposed Penalty:** **\$0.00**

**Citation 3 Item 2**

Type of Violation: **Other-than-Serious**

408.10685(4): GI PART 6, FIRE EXITS

Each exit must be clearly visible and marked by a sign reading "EXIT."

(There was a damaged exit sign for the south side man door located in Building 50. Sign had the marked diffuser missing.)

**Date By Which Violation Must be Abated:** **March 27, 2019**  
**Proposed Penalty:** **\$0.00**

**Citation 3 Item 3**

Type of Violation: **Other-than-Serious**

408.10831(1): GI PART 8, FIRE EXTINGUISHERS

An extinguisher shall be located where it will be readily seen and accessible along normal paths of travel.

(There was an ABC type fire extinguisher that was not located as to be readily seen in the shipping area of Building 50. The fire extinguisher was blocked by bins of finished parts.)

**Date By Which Violation Must be Abated:** **Corrected During Inspection**  
**Proposed Penalty:** **\$0.00**

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**Issuance Date:** 02/22/2019  
**Optional Reporting Number:**

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

**Company Name:** Powder Cote II  
**Inspection Site:** 50 N Rose St, Mount Clemens, MI 48043

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#### **Citation 3 Item 4a**

Type of Violation: **Other-than-Serious**

408.11223(1): GI PART 12, WELDING AND CUTTING

A chain, bracket or other restraining device shall be used at all times to prevent cylinders from falling.

(There were unrestrained compressed gas cylinders in the following areas:

- a. An acetylene compressed gas cylinder located in Building 70.
- b. An oxygen and acetylene compressed gas cylinders located in the corner of the truck bay of Building 70.)

**Date By Which Violation Must be Abated:**

**Corrected During Inspection**

**Proposed Penalty:**

**\$0.00**

#### **Citation 3 Item 4b**

Type of Violation: **Other-than-Serious**

408.11222(5): GI PART 12, WELDING AND CUTTING

A cylinder storage area shall be posted with the names of the individual gases stocked, and a warning shall be posted against tampering by an unauthorized employee. An assigned storage area shall be located where a cylinder will not be knocked over or struck by a passing or falling object.

(There were no postings of the names of the gases stocked or a warning against tampering at the stored cylinders in Building 70 and 71.)

**Date By Which Violation Must be Abated:**

**March 27, 2019**

**Proposed Penalty:**

**\$0.00**

#### **Citation 3 Item 5**

Type of Violation: **Other-than-Serious**

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**Citation and Notification of Penalty**

**Company Name:** Powder Cote II  
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408.12176(1): GI PART 21, POWERED INDUSTRIAL TRUCKS

An employer shall ensure that a highway truck and trailer are not boarded by a powered industrial truck before the highway truck and trailer has its brakes set and not less than 2 wheels blocked or be restrained by other mechanical means installed in a manner that will hold the trailer from movement.

(A second wheel chock, dock lock, or other mechanical means were not utilized when employee boards highway trucks and trailers with the Toyota powered industrial truck at the shipping dock.)

**Date By Which Violation Must be Abated:** **March 27, 2019**  
**Proposed Penalty:** **\$0.00**

Citation 3 Item 6

Type of Violation: **Other-than-Serious**

1910.305(b)(2)(i): GI PART 39, DESIGN SAFETY STANDARDS FOR ELECTRICAL SYSTEMS [REF 408.13902]

All pull boxes, junction boxes, and fittings shall be provided with covers identified for the purpose. If metal covers are used, they shall be grounded. In completed installations, each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

(There was no cover on the electrical junction box located on the end of Line #1 conveyor located in Building 50.)

**Date By Which Violation Must be Abated:** **Corrected During Inspection**  
**Proposed Penalty:** **\$0.00**

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#### **Citation 3 Item 7**

Type of Violation: **Other-than-Serious**

408.17252(2): GI PART 72, AUTOMOTIVE SERVICE OPERATIONS

On an automotive lift, effective December 31, 1976, the following items shall be inspected and the inspections shall be repeated not less than annually thereafter. The bolster, bolster connections, lifting arms and pads, lift control devices, oil reservoir level, cylinder packing, and all other critical components. Defects shall be repaired before the hoist is returned to service.

(There was no annual inspection performed on the M28 automotive lift located in Building 70.)

**Date By Which Violation Must be Abated:**

**March 27, 2019**

**Proposed Penalty:**

**\$0.00**

#### **Citation 3 Item 8**

Type of Violation: **Other-than-Serious**

1910.106(e)(2)(iv)(d): GI PART 75, FLAMMABLE LIQUIDS [REF 408.17501]

Flammable liquids shall be drawn from or transferred into vessels, containers, or portable tanks within a building only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container or portable tanks by gravity through an approved self-closing valve. Transferring by means of air pressure on the container or portable tanks shall be prohibited.

(There was no self-closing valve utilized when dispensing diesel fuel from a 55 gallon drum located in Building 70.)

**Date By Which Violation Must be Abated:**

**March 27, 2019**

**Proposed Penalty:**

**\$0.00**

#### **Citation 3 Item 9**

Type of Violation: **Other-than-Serious**

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

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1910.147(c)(6)(ii): GI PART 85, THE CONTROL OF HAZARDOUS ENERGY SOURCES  
(LOCKOUT/TAGOUT) [REF 408.18502]

The employer shall certify that the periodic inspections have been performed. The certification shall identify the machine or equipment on which the energy control procedure was being utilized, the date of the inspection, the employees included in the inspection, and the person performing the inspection.

(There were no periodic inspections performed of the energy isolation procedures for authorized employees.)

<b>Date By Which Violation Must be Abated:</b>	<b>March 27, 2019</b>
<b>Proposed Penalty:</b>	<b>\$0.00</b>

#### **Citation 4 Item 1**

Type of Violation: **Repeat-Other**

408.11222(1): GI PART 12, WELDING AND CUTTING

An oxygen cylinder shall be stored not less than 20 feet from fuel gas cylinders or a highly combustible material, such as, but not limited to, oil, grease, excelsior, flammable gas, or a source of ignition, or shall be separated from the material by a noncombustible wall, not less than 5 feet (1.6 meters) high, having a fire-resistance rating of 1/2 hour. An oxygen cylinder shall not be stored in an acetylene generator compartment. The underwriters' laboratory fire resistance directory may be used as a guide to determine fire resistance, as adopted in R 408.11202.

Powder Cote II was previously cited for a violation of this occupational safety and health standard or its equivalent standard, GI Part 12, Welding and Cutting, Rule 408.11222(1), which was contained in MIOSHA inspection number 315368290, citation number 4, item number 9, issued on August 8, 2014, with respect to a workplace located at 50 N. Rose St., Mt. Clemens, MI 48043.

(There was an oxygen compressed gas cylinder stored adjacent to an acetylene compressed gas cylinder in the garage area of Building 70.)

**Michigan Department of Licensing  
and Regulatory Affairs**  
530 West Allegan Street  
P.O. Box 30644  
Lansing, MI 48909  
Phone: (517) 284-7750 Fax: (517) 284-7755

**Inspection Number:** 1365537  
**Inspection Date(s):** 12/12/2018 - 01/14/2019  
**Issuance Date:** 02/22/2019  
**Optional Reporting Number:**

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

**Company Name:** Powder Cote II  
**Inspection Site:** 50 N Rose St, Mount Clemens, MI 48043

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<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$500.00</b>

#### **Citation 4 Item 2a**

Type of Violation: **Repeat-Other**

1910.303(b)(7)(iv): GI PART 39, DESIGN SAFETY STANDARDS FOR ELECTRICAL SYSTEMS [REF 408.13902]

There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating.

Powder Cote II was previously cited for a violation of this occupational safety and health standard or its equivalent standard, GI Part 39, Design Safety Standards for Electrical Systems, Rule 1910.307(b)(7)(iv) [Ref.408.13902], which was contained in MIOSHA inspection number 315368290 citation number 4, item number 12a, issued on August 8, 2014, with respect to a workplace located at 50 N. Rose St., Mt. Clemens, MI 48043.

(The conduit was pulled away from the junction box exposing six inches of live insulated electrical wires located near the spray booth area in Building 80.)

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$500.00</b>

#### **Citation 4 Item 2b**

Type of Violation: **Repeat-Other**

1910.305(b)(1)(ii): GI PART 39, DESIGN SAFETY STANDARDS FOR ELECTRICAL SYSTEMS [REF 408.13902]

Unused openings in cabinets, boxes, and fittings shall be effectively closed.

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**Inspection Number:** 1365537  
**Inspection Date(s):** 12/12/2018 - 01/14/2019  
**Issuance Date:** 02/22/2019  
**Optional Reporting Number:**

**Citation and Notification of Penalty**

**Company Name:** Powder Cote II  
**Inspection Site:** 50 N Rose St, Mount Clemens, MI 48043

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Powder Cote II was previously cited for a violation of this occupational safety and health standard or its equivalent standard, GI Part 39, Design Safety Standards for Electrical Systems, Rule 1910.305(b)(1)(ii) [Ref.408.13902], which was contained in MIOSHA inspection number 312019151, citation number 2, item number 5a, issued on June 6, 2016, with respect to a workplace located at 50 N. Rose St., Mt. Clemens, MI 48043.

(Unused openings in boxes were not effectively closed in the following locations:

- a. There were three (3) openings where conduit was removed and knockouts not re-installed on the junction located near the spray booth area in Building 80.
- b. A knockout was missing on the junction box at the end of Line #1 conveyor.)

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$0.00</b>

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**Authorized Signature**

**Michigan Department of Licensing  
and Regulatory Affairs**

530 West Allegan Street

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Lansing, MI 48909

Phone: (517) 284-7750 Fax: (517) 284-7755

**Inspection Number:** 1365537

**Inspection Date:** 12/12/2018 - 01/14/2019

**Issuance Date(s):** 02/22/2019

**Optional Reporting Number:**

**CSHO ID:** E4998

## PROPOSED PENALTY INVOICE

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**Company Name:** Powder Cote II  
**Inspection Site:** 50 N Rose St  
Mount Clemens, MI 48043

**Summary of Penalties for Inspection Number:** 1365537

Citation 1 Item 1, Serious	\$4,500.00
Citation 1 Item 2, Serious	\$5,000.00
Citation 1 Item 3, Serious	\$4,500.00
Citation 2 Item 1, Repeat-Serious	\$25,000.00
Citation 2 Item 2a, Repeat-Serious	\$25,000.00
Citation 2 Item 2b, Repeat-Serious	\$0.00
Citation 3 Item 1, Other-than-Serious	\$0.00
Citation 3 Item 2, Other-than-Serious	\$0.00
Citation 3 Item 3, Other-than-Serious	\$0.00
Citation 3 Item 4a, Other-than-Serious	\$0.00
Citation 3 Item 4b, Other-than-Serious	\$0.00
Citation 3 Item 5, Other-than-Serious	\$0.00
Citation 3 Item 6, Other-than-Serious	\$0.00
Citation 3 Item 7, Other-than-Serious	\$0.00
Citation 3 Item 8, Other-than-Serious	\$0.00
Citation 3 Item 9, Other-than-Serious	\$0.00
Citation 4 Item 1, Repeat-Other	\$500.00
Citation 4 Item 2a, Repeat-Other	\$500.00
Citation 4 Item 2b, Repeat-Other	\$0.00

**TOTAL PROPOSED PENALTIES:** **\$65,000.00**

Correcting a violation prior to the expiration of the abatement date does not eliminate the requirement to pay the penalty.  
Payment of the penalty does not eliminate the requirement of correcting the violation.

The state does not agree to any restrictions or conditions or endorsements 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, conditions, or endorsements do not exist.

Payment must be made within 15 working days of the date a proposed penalty of a citation item becomes a final order of the board. This would be the thirtieth (30<sup>th</sup>) working day after receipt of each citation item which is not appealed. For the payment of any penalty, make a check or money order payable to the "State of Michigan" and remit to the Department of Licensing and Regulatory Affairs at the address shown on the citation. PLEASE RECORD THE APPLICABLE



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Phone: (517) 284-7750 Fax: (517) 284-7755

**Inspection Number:**

1365537

**Inspection Date:**

12/12/2018 - 01/14/2019

**Issuance Date(s):**

02/22/2019

**Optional Reporting Number:**

**CSHO ID:** E4998

INSPECTION NUMBER, CITATION NUMBER(S) AND ITEM NUMBER(S) ON THE CHECK, MONEY ORDER OR YOUR TRANSMITTAL LETTER.

**Enclose this invoice page (or a copy thereof) with your payment.**

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**Authorized Signature**