

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215



Citation and Notification of Penalty

To:
Encore Industries Inc., dba Encore Plastics
Corporation/IPL Global
and its successors
725 Water Street
Cambridge, OH 43725

Inspection Site:
725 Water Street
Cambridge, OH 43725

7020 1290 0001 6617 7449

Inspection Number: 1566118
Inspection Date(s): 11/30/2021 - 05/11/2022
Issuance Date: 05/12/2022

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (614) 469-5582. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/12/2022. The conference will be held by telephone or at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1566118

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global

Inspection Site: 725 Water Street, Cambridge, OH 43725

Issuance Date: 05/12/2022

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 200 N. High Street, Room 620, Columbus, OH 43215.**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

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

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

Inspection Number: 1566118
Inspection Date(s): 11/30/2021 - 05/11/2022
Issuance Date: 05/12/2022



Citation and Notification of Penalty

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725

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

29 CFR 1910.37(b)(4): If the direction of travel to the exit or exit discharge is not immediately apparent, signs must be posted along the exit access indicating the direction of travel to the nearest exit and exit discharge. Additionally, the line-of-sight to an exit sign must clearly be visible at all times:

a. On or about November 30, 2021, and at times prior, in the Warehouse, the direction of travel to the exit and exit signs were not apparent as any signage was blocked by the storage of pallets of materials, thereby exposing employees to the hazards associated with emergency evacuation such as, but not limited to, burns, smoke inhalation, caught-between and crushing injuries.

Date By Which Violation Must be Abated:
Proposed Penalty:

May 24, 2022
\$11,396.00

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

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

Inspection Number: 1566118
Inspection Date(s): 11/30/2021 - 05/11/2022
Issuance Date: 05/12/2022



Citation and Notification of Penalty

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725

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

29 CFR 1910.176(a): Use of mechanical equipment. Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repair, with no obstruction across or in aisles that could create a hazard. Permanent aisles and passageways shall be appropriately marked:

a. On or about November 30, 2021, and at times prior, throughout the Warehouse area, employees operated forklifts to move materials in aisles that were not kept clear without obstructions, nor were aisles and passageways appropriately marked. Employees were thereby exposed to struck-by hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$11,396.00

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



Citation and Notification of Penalty

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725

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

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

29 CFR 1910.178(l)(4)(ii)(D): The operator is assigned to drive a different type of truck;:

a. On or about November 30, 2021, and at times prior, employees were assigned to operate Crown Stand-Up Counterbalance Forklift Model #RC5520-30, Serial #1A437266 without being provided with refresher training. As a result, employees were exposed to caught-in, crushing, and struck-by hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

June 01, 2022
\$14,502.00



Citation and Notification of Penalty

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725

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

29 CFR 1910.178(n)(4): The driver shall be required to slow down and sound the horn at cross aisles and other locations where vision is obstructed. If the load being carried obstructs forward view, the driver shall be required to travel with the load trailing:

a. On or about November 30, 2021, in the Warehouse, a forklift operator was driving forward with a Crown Stand-Up Counterbalance Forklift, Model # RC5520-30, Serial # 1A437266 with two palletized loads that had an obstructed view. The employer did not ensure that employees operated with the load trailing when view was obstructed. The employees were exposed to being struck-by the forklift and/or the operator being seriously injured from a forklift collision.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

June 01, 2022
\$14,502.00

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

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

Inspection Number: 1566118
Inspection Date(s): 11/30/2021 - 05/11/2022
Issuance Date: 05/12/2022



Citation and Notification of Penalty

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725

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

29 CFR 1910.178(o)(1): Only stable or safely arranged loads shall be handled. Caution shall be exercised when handling off-center loads which cannot be centered:

a. On or about December 9, 2021, and at times prior, in the Warehouse area, an employee handled loads while operating a Crown Stand-Up Counterbalance Forklift, Model # RC5520-30, Serial # 1A437266 that were not stable or safely arranged, thereby exposing employees to crushing and struck-by hazards associated with dropped loads.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

June 01, 2022
\$14,502.00

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



Citation and Notification of Penalty

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.157(c)(1): The employer shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury:

- a. On or about November 30, 2021, and at times prior, throughout the Warehouse, a portable fire extinguisher was not readily accessible as it was blocked by storage of materials.
- b. On or about November 30, 2021, and at times prior, a portable fire extinguisher in the Warehouse was not readily accessible as it was not adequately identified as to its location as signage was not visible over and around storage of materials.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

A handwritten signature in blue ink that reads "Larry M. Johnson".

Larry M. Johnson
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725
Issuance Date: 05/12/2022

Summary of Penalties for Inspection Number: 1566118

| | |
|---------------------------------------|-------------|
| Citation 1 Item 1, Serious | \$11,396.00 |
| Citation 1 Item 2, Serious | \$11,396.00 |
| Citation 1 Item 3a, Serious | \$14,502.00 |
| Citation 1 Item 3b, Serious | \$14,502.00 |
| Citation 1 Item 3c, Serious | \$14,502.00 |
| Citation 2 Item 1, Other-than-Serious | \$0.00 |

TOTAL PROPOSED PENALTIES: **\$66,298.00**

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. You can also make your payment electronically at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment 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 one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Larry M. Johnson

Area Director

12 May 2022

Date

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215



Citation and Notification of Penalty

To:
Encore Industries Inc., dba Encore Plastics
Corporation/IPL Global
and its successors
725 Water Street
Cambridge, OH 43725

Inspection Site:
725 Water Street
Cambridge, OH 43725

7020 1290 0001 6617 7449

Inspection Number: 1565319
Inspection Date(s): 11/23/2021 - 05/11/2022
Issuance Date: 05/12/2022

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (614) 469-5582. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

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Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/12/2022. The conference will be held by telephone or at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1565319

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global

Inspection Site: 725 Water Street, Cambridge, OH 43725

Issuance Date: 05/12/2022

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 200 N. High Street, Room 620, Columbus, OH 43215.**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

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



Citation and Notification of Penalty

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725

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

29 CFR 1910.147(c)(4)(ii): The procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, the following:

- a. On or about November 17, 2021, and at times prior, the energy control procedures in place for Thermoforming Line 5 did not include the necessary steps for shutting down, isolating, and blocking the hazardous energy sources associated with the machinery. As a result, employees were exposed to caught-in, caught-between, and struck-by hazards associated with moving parts and pinch points on the machinery. An employee was fatally injured as a result.
- b. On or about November 17, 2021, and at times prior, the energy control procedures in place for Thermoforming Line 4 did not include the necessary steps for shutting down, isolating, and blocking the hazardous energy sources associated with the machinery. As a result, employees were exposed to caught-in, caught-between, and struck-by hazards associated with moving parts and pinch points on the machinery.
- c. On or about November 17, 2021, and at times prior, the energy control procedures in place for Thermoforming Line 3 did not include the necessary steps for shutting down, isolating, and blocking the hazardous energy sources associated with the machinery. As a result, employees were exposed to caught-in, caught-between, and struck-by hazards associated with moving parts and pinch points on the machinery.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

June 01, 2022
\$14,502.00

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



Citation and Notification of Penalty

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725

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

29 CFR 1910.147(c)(7)(i)(A): 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:

a. On or about November 17, 2021, and at times prior, the employer did not ensure that each authorized employee was trained on the methods and means necessary for energy and isolation or the type and magnitude of energy associated with the machines; such as, but not limited to, the machines and equipment on the Thermoforming Lines in the Thermoforming Department. As a result, employees were exposed to hazards such as, but not limited to, struck-by and caught-in/between hazards associated with the points of operation and moving components associated with the lines during maintenance and servicing tasks.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

June 01, 2022
\$14,502.00

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



Citation and Notification of Penalty

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725

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

29 CFR 1910.147(d): Application of control. The established procedures for the application of energy control (the lockout or tagout procedures) shall cover the following elements and actions and shall be done in the following sequence:

The employer does not protect employees from the hazards of moving parts and pinch point hazards by ensuring that employees apply the established energy control procedures prior to performing maintenance and servicing work at the Encore Industries Inc facility in Cambridge, Ohio.

a. On the Thermoforming Line #5, on or about November 17, 2021, and at times prior, employees were exposed to machine hazards associated with moving parts and pinch points during activities such as, but not limited to, clearing jammed product from the Brown Machine Group trim press. The employer did not implement energy control application steps as the machine was not shut down or turned off to perform the servicing work [per the 1910.147(d)(2) requirements]. As a result, the remaining applicable energy control elements, involving machine isolation [(d)(3)], LOTO device application [(d)(4)], dissipation of residual energy [(d)(5)(i)], and verification of isolation [(d)(6)], were not implemented to protect employees from machine servicing hazards. As a result, an employee was fatally injured while clearing jammed product when the lift conveyor unexpectedly moved, and the employee was caught and crushed between the conveyor and the machine frame.

b. On the Thermoforming Line #5, on or about November 15, 2021, and at times prior, employees were exposed to machine hazards associated with moving parts and pinch points during activities such as, but not limited to, clearing jammed product from the Brown Machine Group trim press. The employer did not implement energy control application steps as the machine was not shut down or turned off to perform the servicing work [per the 1910.147(d)(2) requirements]. As a result, the remaining applicable energy control elements, involving machine isolation [(d)(3)], LOTO device application [(d)(4)], dissipation of residual energy [(d)(5)(i)], and verification of isolation [(d)(6)], were not implemented to protect employees from machine servicing hazards. As a result, the lift conveyor unexpectedly moved and nearly caught and pinned the employee between the machine frame.

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

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

Inspection Number: 1565319
Inspection Date(s): 11/23/2021 - 05/11/2022
Issuance Date: 05/12/2022



Citation and Notification of Penalty

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

June 16, 2022
\$145,027.00

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



Citation and Notification of Penalty

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725

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

29 CFR 1910.147(c)(6)(i): The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed:

- a. On or about November 17, 2021, and at times prior, the employer did not ensure that periodic inspections were conducted at least annually of the energy control procedures, such as, but not limited to, the machines and equipment on the Thermoforming Lines in the Thermoforming Department, to ensure that the procedure and the requirements of the standard were met thereby exposing employees to caught-in, caught-between, struck-against and struck-by hazards associated with the machinery.

Encore Plastics Corporation was previously cited for a Serious violation of this Occupational Safety and Health Standard 29 CFR 1910.147(c)(6)(i), which was contained in OSHA inspection number 1460224, citation number 1, item number 2, and was affirmed as a final order on April 2, 2020, with respect to a workplace located at 725 Water Street, Cambridge, Ohio.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|---------------|
| Date By Which Violation Must be Abated: | June 01, 2022 |
| Proposed Penalty: | \$79,761.00 |

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



Citation and Notification of Penalty

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725

Citation 4 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.303(b)(1)(i): Suitability for installation and use in conformity with the provisions of this subpart;
Note to paragraph (b)(1)(i) of this section: Suitability of equipment for an identified purpose may be evidenced by listing or labeling for that identified purpose:

a. On or about November 30, 2021, and at times prior, in the Old Plate Room, the employees utilized a shop-made extension cord with portable electrical outlet boxes that were not mounted, installed, or utilized in accordance with the listing and labeling instructions for the type of equipment.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

A handwritten signature in blue ink that reads "Larry M. Johnson".

Larry M. Johnson
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725
Issuance Date: 05/12/2022

Summary of Penalties for Inspection Number: 1565319

| | |
|---------------------------------------|--------------|
| Citation 1 Item 1, Serious | \$14,502.00 |
| Citation 1 Item 2, Serious | \$14,502.00 |
| Citation 2 Item 1, Willful - Serious | \$145,027.00 |
| Citation 3 Item 1, Repeat - Serious | \$79,761.00 |
| Citation 4 Item 1, Other-than-Serious | \$0.00 |

TOTAL PROPOSED PENALTIES: \$253,792.00

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. You can also make your payment electronically at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment 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 one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Larry M. Johnson

Area Director

12 May 2022

Date

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215



Amended Citation and Notification of Penalty

To:
Encore Industries Inc., dba Encore Plastics
Corporation/IPL Global
and its successors
725 Water Street
Cambridge, OH 43725

Inspection Site:
725 Water Street
Cambridge, OH 43725

7020 1290 0001 6617 7432

Inspection Number: 1566118
Inspection Date(s): 11/30/2021 - 05/11/2022
Issuance Date: 05/12/2022

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (614) 469-5582. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/12/2022. The conference will be held by telephone or at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1566118

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global

Inspection Site: 725 Water Street, Cambridge, OH 43725

Issuance Date: 05/12/2022

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 200 N. High Street, Room 620, Columbus, OH 43215.**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

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



Citation and Notification of Penalty

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725

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

29 CFR 1910.178(n)(4): The driver shall be required to slow down and sound the horn at cross aisles and other locations where vision is obstructed. If the load being carried obstructs forward view, the driver shall be required to travel with the load trailing.

a. On or about November 30, 2021, in the Warehouse, a forklift operator was driving forward with a Crown Stand-Up Counterbalance Forklift, Model # RC5520-30, Serial # 1A437266 with two palletized loads that had an obstructed view. The employer did not ensure that employees operated with the load trailing when view was obstructed. The employees were exposed to being struck-by the forklift and/or the operator being seriously injured from a forklift collision.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

June 01, 2022

Proposed Penalty:

\$0.00

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



Citation and Notification of Penalty

Company Name: Encore Industries Inc., dba Encore Plastics Corporation/IPL Global
Inspection Site: 725 Water Street, Cambridge, OH 43725

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

29 CFR 1910.178(o)(1): Only stable or safely arranged loads shall be handled. Caution shall be exercised when handling off-center loads which cannot be centered.

a. On or about December 9, 2021, and at times prior, in the Warehouse area, an employee handled loads while operating a Crown Stand-Up Counterbalance Forklift, Model # RC5520-30, Serial # 1A437266 that were not stable or safely arranged, thereby exposing employees to crushing and struck-by hazards associated with dropped loads.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

June 01, 2022

Proposed Penalty:

\$0.00

A handwritten signature in blue ink, appearing to read "Larry M. Johnson".

Larry M. Johnson
Area Director

SUMMARY OF PROPOSED PENALTIES

Summary of Penalties for Inspection Number: 1566118

| | |
|-----------------------------|--------|
| Citation 1 Item 3b, Serious | \$0.00 |
| Citation 1 Item 3c, Serious | \$0.00 |

TOTAL PROPOSED PENALTIES: \$0.00

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