

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
202 Harlow Street Rm 20900  
Bangor ME 04401



## Citation and Notification of Penalty

**To:**  
The Shyft Group Duramag LLC  
and its successors  
977 West River Road, Box 3  
Waterville ME 04901

**Inspection Number:** 1495337  
**Inspection Date(s):** 10/01/2020-10/01/2020  
**Issuance Date:** 03/29/2021

**Inspection Site:**  
977 West River Road, Box 3  
Waterville ME 04901

*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 (207) 941-8177. 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](http://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](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/29/2021. The conference will be held by telephone or at the OSHA office located at 202 Harlow Street, Rm 20900, Bangor ME on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1495337**

Company Name: The Shyft Group Duramag LLC  
Inspection Site: 977 West River Road, Box 3, Waterville ME 04901  
Issuance Date: 03/29/2021

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, 202 Harlow Street, Rm 20900, Bangor ME 04401.**

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: The Shyft Group Duramag LLC**  
**Inspection Site: 977 West River Road, Box 3, Waterville ME 04901**

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

29 CFR OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious harm to employees exposed to crushing types of injuries, due to the unsafe operation and maintenance of automotive lifts:

Loading Area - On or about 10/01/2020 the four Rotary MCHW418U1A00 18,000 pound capacity column lifts and the four Rotary MCHF414U1A00 14,000 pound capacity column lifts were not maintained and utilized safely, in the following instances:

- a) The eight lifts have been modified with a homemade, aluminum accessory that extends the steel lifting arms and alters the center of gravity and load capacity of each lift. The employer was notified by the lift inspector that the homemade aluminum extensions were not approved by the manufacturer and prohibited.
- b) The eight lifts are not subjected to a daily or periodic maintenance inspection as required by the ANSI/ALOIM (Automotive Lift Operation, Installation and Maintenance) and the manufacturer's Installation, Safety, Operation and Maintenance Manual.
- c) Employees, who use the eight lifts, are not trained or certified to do so as required by the ANSI/ALOIM (Automotive Lift Operation, Installation and Maintenance) and the manufacturer's Installation, Safety, Operation and Maintenance Manual.

Feasible and acceptable means to abate this violation would be:

Instance a): Obtain written permission from the manufacturer of the lift for the addition of the aluminum accessory attachments on the lifts.

Instance b): Follow the current ANSI/ALOIM (Automotive Lift Operation, Installation and Maintenance) and the manufacturer's Installation, Safety, Operation, and Maintenance Manual for completing daily and other periodic maintenance inspections prescribed therein.

Instance c): Employer can acquire sufficient training and certification, for employees who use lifts in the facility, through engagement with certified auto lift inspectors or other methods.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

May 13, 2021

Proposed Penalty:

\$13,653.00

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:** 1495337  
**Inspection Date(s):** 10/01/2020 - 10/01/2020  
**Issuance Date:** 03/29/2021



**Citation and Notification of Penalty**

**Company Name:** The Shyft Group Duramag LLC  
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**Citation 1 Item 2**    Type of Violation: **Serious**

29 CFR 1910.23(c)(11): The employer did not ensure that portable ladders, used to gain access to an upper landing surface, have side rails that extend at least 3 feet (0.9 m) above the upper landing surface:

Production Floor - On or about 10/01/2020, the stepladder, used to access the top of the truck bodies in order to clean and add additional accessories such as roof racks and light bars, did not extend three feet above the landing surface of the truck body, exposing the employees to falls from five to eight feet to the concrete floor below.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 22, 2021  
\$13,653.00

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:** The Shyft Group Duramag LLC  
**Inspection Site:** 977 West River Road, Box 3, Waterville ME 04901

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 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE):

On or about 10/01/2020, the employer failed to perform an assessment to determine the appropriate PPE for its employees, in the following instances:

- a) Chemical Preparation Area - Employees, who clean and spray metal parts, are exposed to 'Cal Prep 59' which contains phosphoric acid, a corrosive that causes severe skin burns and eye damage.
- b) Powder Coating Area - Employees, who spray powder coating, are exposed to barium sulphate and kaolin which may cause lung and skin irritation.
- c) Welding Area - Welders are exposed to weld fumes and light emissions, from the point of operation, which results in flash burns to skin and eyes.
- d) Machine area - Machine operators are exposed to flying chips and sparks which can damage eyes and skin, and to sharp metal edges that can cause lacerations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 22, 2021  
\$13,653.00

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:** The Shyft Group Duramag LLC  
**Inspection Site:** 977 West River Road, Box 3, Waterville ME 04901

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

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from liquid chemicals, acids or caustic liquids:

Chemical Preparation Area - On or about 10/01/2020, an employee was exposed to splash hazards when applying Cal Prep 59 containing phosphoric acid. Employees are wearing safety glasses which do not provide a seal between the glasses and the face to protect against hazardous liquid chemicals from entering the eye. Appropriate eye protection is chemical splash goggles.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 12, 2021  
\$0.00



**Citation and Notification of Penalty**

**Company Name:** The Shyft Group Duramag LLC  
**Inspection Site:** 977 West River Road, Box 3, Waterville ME 04901

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

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

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

Powder Coating and Bead Blasting Areas - On or about 10/01/2020, the employer did not develop and implement a respiratory protection program where employees are required to wear N95 respirators and air supplying full hoods while applying powder coating and bead blasting. The following elements were not developed or implemented: written program, medical evaluations, fit testing, prohibition of facial hair, and training.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	May 13, 2021
Proposed Penalty:	\$13,653.00

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:** The Shyft Group Duramag LLC  
**Inspection Site:** 977 West River Road, Box 3, Waterville ME 04901

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

On or about 10/01/2020, employees required to wear respirators were not provided with a medical evaluation, in the following instances:

- a) Powder Coating Area - Employees powder coating panels, exposed to barium sulfate, were required to wear half face, air purifying masks.
- b) Bead Blasting Area - Employees bead blasting parts, exposed to glass oxide, were required to wear RPB NOVA 3 full hood, air supplied respirators.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 13, 2021  
\$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:** The Shyft Group Duramag LLC  
**Inspection Site:** 977 West River Road, Box 3, Waterville ME 04901

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

29 CFR 1910.134(f)(1): The employer did not ensure that employee(s) required to use a tight-fitting facepiece respirator passed the appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT):

On or about 10/01/2020, employees, required to wear respirators, were not fit tested prior to initial use, in the following instances:

- a) Powder Coating Area - Employees exposed to barium sulfate while powder coating panels and truck bodies are required to wear half face, air purifying masks.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 13, 2021  
\$0.00

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

**Inspection Number:** 1495337  
**Inspection Date(s):** 10/01/2020 - 10/01/2020  
**Issuance Date:** 03/29/2021



**Citation and Notification of Penalty**

**Company Name:** The Shyft Group Duramag LLC  
**Inspection Site:** 977 West River Road, Box 3, Waterville ME 04901

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

29 CFR 1910.134(g)(1)(i)(A): Half face, air purifying respirators, with tight-fitting facepieces, were worn by employees who had facial hair that came between the sealing surface of the facepiece and the face or that interfered with valve function:

Powder Coating Area - On or about 10/01/2020, an employee had facial hair that came between the sealing surface of the facepiece, of the half face, air purifying respirator, and his face.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 06, 2021  
\$0.00

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:** 1495337  
**Inspection Date(s):** 10/01/2020 - 10/01/2020  
**Issuance Date:** 03/29/2021



**Citation and Notification of Penalty**

**Company Name:** The Shyft Group Duramag LLC  
**Inspection Site:** 977 West River Road, Box 3, Waterville ME 04901

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

29 CFR 1910.134(h)(2)(i): Respirators were not stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals or were not packed or stored to prevent deformation of the facepiece and exhalation valve:

Bead Blast Booth - On or about 10/01/2020 an air supplied, full-hood respirator was left on the floor of the booth in a pile of glass beads, exposing it to damage, contamination, and dust.

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 06, 2021  
\$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:** The Shyft Group Duramag LLC  
**Inspection Site:** 977 West River Road, Box 3, Waterville ME 04901

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

29 CFR 1910.134(k): The employer did not provide comprehensive, understandable training which did not occur annually and/or more often if necessary:

On or about 10/01/2020, employees did not receive comprehensive and understandable training to safely use respirators, in the following instances:

- a) Powder Coating Area - Employees powder coating panels, exposed to barium sulfate were required to wear half face, air purifying masks.
- b) Bead Blast Area - Employee bead blasting parts, exposed to glass oxide was required to wear an RPB Nova 3 air-supplied full hood.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 22, 2021  
\$0.00

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:** 1495337  
**Inspection Date(s):** 10/01/2020 - 10/01/2020  
**Issuance Date:** 03/29/2021



**Citation and Notification of Penalty**

**Company Name:** The Shyft Group Duramag LLC  
**Inspection Site:** 977 West River Road, Box 3, Waterville ME 04901

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

29 CFR 1910.138(a): Employers did not select and require employees to use appropriate hand protection when employees' hands are exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes:

Chemical Preparation Area- On or about 10/01/2020, employees were not provided hand protection while performing steam cleaning activities where the compound Cal Prep 59 was being used, containing phosphoric acid, which causes severe skin burns.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 06, 2021  
\$13,653.00

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:** The Shyft Group Duramag LLC  
**Inspection Site:** 977 West River Road, Box 3, Waterville ME 04901

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips, and sparks:

On or about 10/22/2020, machine guarding was not provided for tools with rotating parts that create ingoing nip points, flying chips, and sparks, in the following instances:

- a) Machine Area - The two blue milling machines were not provided with chuck guards.
- b) Machine Area - The Jet drill press was not provided with a chuck guard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 22, 2021  
\$13,653.00

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

**Inspection Number:** 1495337  
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**Issuance Date:** 03/29/2021



**Citation and Notification of Penalty**

**Company Name:** The Shyft Group Duramag LLC  
**Inspection Site:** 977 West River Road, Box 3, Waterville ME 04901

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

29 CFR 1910.212(b): Machine(s) designed for fixed location(s) were not securely anchored to prevent walking or moving:

Machine Shop - On or about 10/22/2020, the two blue vertical mills and the JET drill press were not securely anchored to prevent walking or moving.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 22, 2021  
\$5,851.00

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

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**Citation and Notification of Penalty**

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

29 CFR 1910.252(b)(2)(iii): Workers and other persons adjacent to the welding area were not required to wear appropriate goggles, to protect them from the rays when noncombustible or flameproof screens or shields were not used:

Welding Area - On or about 10/01/2020, welding assistants and other employees in the vicinity were exposed to welding rays and skin and eye damage due to flash burns and lack of appropriate goggles, screens, or shields.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 22, 2021  
\$13,653.00

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

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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 9 a** Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(i): Openings, through which conductors entered cutout boxes, cabinets, or fittings, were not effectively closed:

Facility - On or about 10/01/2020, the opening, for a conductor entering the top of the PP6/WM2 breaker cabinet, was not effectively closed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 08, 2021  
\$9,753.00

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

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**Citation and Notification of Penalty**

**Company Name:** The Shyft Group Duramag LLC  
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**Citation 1 Item 9 b** Type of Violation: **Serious**

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

Facility - On or about 10/01/2020, electrical cabinet PP6/WM2 was missing a knockout plug on the top, left surface of the box. Breaker #38 was missing and the hole was covered with black duct tape.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 06, 2021  
\$0.00

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

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

Machine Area - On or about 10/22/2020, the JET drill press was being powered by a flexible extension cord used as a substitute for the fixed wiring of the structure.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 22, 2021  
\$9,753.00

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

29 CFR 1910.28(b)(1)(i): The employer did not ensure that each employee, on a walking-working surface with an unprotected side or edge that was 4 feet (1.2 m) or more above a lower level, was protected from falling by one or more of the following: guardrail systems, safety net systems, or personal fall arrest systems:

Production Floor - On or about 10/01/2020, employees, working on top of truck bodies, were not protected from falling from a fall height of over five feet, from the R-Series and S-Series truck bodies, and over eight feet, from the Canopy Series truck bodies, to the concrete floor below.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 22, 2021  
\$136,532.00

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:** The Shyft Group Duramag LLC  
**Inspection Site:** 977 West River Road, Box 3, Waterville ME 04901

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

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

29 CFR 1910.95(c)(1): The employer did not administer a continuing, effective hearing conservation program, as described in 29 CFR 1910.95(c) through (o), whenever employee noise exposures equal or exceed an 8-hour time-weighted average (TWA) sound level of 85 decibels measured on the A scale, or equivalently, a dose of fifty percent:

Facility - On or about 10/22/2020, an employee performing steam cleaning operations was exposed to noise in excess of the Action Level of 85 dBa during a 404 minute sampling period. An eight hour TWA sound level of 90.4 dBA was measured, and an effective hearing conservation program which included noise monitoring, audiometric testing of employees, training of employees, and retention of exposure measurements, as detailed in the standard, was not instituted by the employer.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	May 13, 2021
Proposed Penalty:	\$136,532.00

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:** The Shyft Group Duramag LLC  
**Inspection Site:** 977 West River Road, Box 3, Waterville ME 04901

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

29 CFR 1910.95(d)(1): When information indicated that any employee's noise exposure equaled or exceeded the 8-hour time-weighted average of 85 decibels, the employer did not develop and implement a monitoring program:

Facility-wide - On or about 10/22/2020, the employer did not monitor for noise in the following areas in response to a previous company noise screening that indicated levels above the Action Level and OSHA monitoring which indicated the following:

- a. Chop saw Operations where screening indicated 88-91 dBA;
- b. Sand Blast Booth where screening indicated 85-88 dBA;
- c. Steam Cleaning/Acid Etch Area where screening and full shift sampling indicated overexposure to the Action level of 85 dBA;
- d. Forklift Operations where screening indicated levels above the Action Level and impact noise of 112 dBA impact noise throughout when the load of metal part were dropped to the concrete floor.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 13, 2021  
\$0.00

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**David McGuan**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
202 Harlow Street, Rm 20900  
Bangor ME 04401




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**INVOICE /  
DEBT COLLECTION NOTICE**

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**Company Name: The Shyft Group Duramag LLC**  
**Inspection Site: 977 West River Rd, Box 3, Waterville ME 04901**  
**Issuance Date: 03/29/2021**

**Summary of Penalties for Inspection Number: 1495337**

Citation 1 Item 1, Serious	\$13,653.00
Citation 1 Item 2, Serious	\$13,653.00
Citation 1 Item 3a, Serious	\$13,653.00
Citation 1 Item 3b, Serious	\$0.00
Citation 1 Item 4a, Serious	\$13,653.00
Citation 1 Item 4b, Serious	\$0.00
Citation 1 Item 4c, Serious	\$0.00
Citation 1 Item 4d, Serious	\$0.00
Citation 1 Item 4e, Serious	\$0.00
Citation 1 Item 4f, Serious	\$0.00
Citation 1 Item 5, Serious	\$13,653.00
Citation 1 Item 6, Serious	\$13,653.00
Citation 1 Item 7, Serious	\$5,851.00
Citation 1 Item 8, Serious	\$13,653.00
Citation 1 Item 9a, Serious	\$9,753.00
Citation 1 Item 9b, Serious	\$0.00
Citation 1 Item 10, Serious	\$9,753.00
Citation 2 Item 1, Willful - Serious	\$136,532.00
Citation 2 Item 2a, Willful - Serious	\$136,532.00
Citation 2 Item 2b, Willful - Serious	\$0.00

**TOTAL PROPOSED PENALTIES: **\$393,992.00****

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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](http://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.

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**David McGuan**

Area Director

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Date