

**U.S. Department of Labor** Occupational Safety and Health Administration  
1648 Tri Park Way  
Appleton, WI 54914



11/02/2021

Waupaca Foundry, Inc.  
and its successors  
805 Ogden Street  
Marinette, WI 54143

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (920) 734-4521.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

A handwritten signature in blue ink that reads "Robert J. Bonack". The signature is written in a cursive style with a large initial 'R'.

**Robert J. Bonack**  
Area Director

Enclosures

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1648 Tri Park Way  
Appleton, WI 54914



## Citation and Notification of Penalty

**To:**  
Waupaca Foundry, Inc.  
and its successors  
805 Ogden Street  
Marinette, WI 54143

**Inspection Number:** 1531243  
**Inspection Date(s):** 05/18/2021 - 07/01/2021  
**Issuance Date:** 11/02/2021

**Inspection Site:**  
805 Ogden Street  
Marinette, WI 54143

*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 (920) 734-4521. 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 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 11/02/2021. The conference will be held by telephone or at the OSHA office located at 1648 Tri Park Way, Appleton, WI 54914 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1531243**

Company Name: Waupaca Foundry, Inc.  
Inspection Site: 805 Ogden Street, Marinette, WI 54143  
Issuance Date: 11/02/2021

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, 1648 Tri Park Way, Appleton, WI 54914.**

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:** 1531243  
**Inspection Date(s):** 05/18/2021 - 07/01/2021  
**Issuance Date:** 11/02/2021

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

**Company Name: Waupaca Foundry, Inc.**  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding shall be 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:

At a workplace located at 805 Ogden Street in Marinette, Wisconsin:

(a) On or about May 18, 2021, employees operating the CB #1 Machine No. 44174-000 located in the Core Room were exposed to laceration, amputation, and crushing hazards associated with the horizontal and vertical movements of the traveling pick-off arm assembly/carriage used to remove cores from the core box. The machine was not effectively guarded to prevent exposure to these hazards.

(b) On or about May 18, 2021, and July 9, 2021, employees operating the CB #4 Machine No. 44125-000 located in the Core Room were exposed to laceration, amputation, and crushing hazards associated with the horizontal and vertical movements of the traveling pick-off arm assembly/carriage used to remove cores from the core box. The machine was not effectively guarded to prevent exposure to these hazards.

(c) On or about May 18, 2021, employees operating the CB #5 Machine No. 44153-000 located in the Core Room were exposed to laceration, amputation, and crushing hazards associated with the horizontal and vertical movements of the traveling pick-off arm assembly/carriage used to remove cores from the core box. The machine was not effectively guarded to prevent exposure to these hazards.

(d) On or about May 18, 2021, and September 28, 2021, employees operating the CB #8 Machine No. 2428 located in the Core Room were exposed to laceration, amputation, and crushing hazards associated with the horizontal and vertical movements of the traveling pick-off arm assembly/carriage used to remove cores from the core box. The machine was not effectively guarded to prevent exposure to these hazards.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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



Date By Which Violation Must be Abated:  
Proposed Penalty:

December 13, 2021  
\$117,024.00



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

**Inspection Number:** 1531243  
**Inspection Date(s):** 05/18/2021 - 07/01/2021  
**Issuance Date:** 11/02/2021

## **Citation and Notification of Penalty**

**Company Name: Waupaca Foundry, Inc.**  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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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 1 a** Type of Violation: **Serious**

29 CFR 1910.28(b)(1)(i): Except as provided elsewhere in this section 29 CFR 1910.28, the employer must ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the systems described in 29 CFR 1910.28(b)(1)(i):

At a workplace located at 805 Ogden Street in Marinette, Wisconsin:

- (a) On or about July 22, 2021, the employer did not ensure an employee servicing the receiver on Autopour #2 was protected from falling through the gap in the guardrails between the autopour deck to the mobile service platform, exposing employees to a fall hazard of approximately 5 feet, 5 inches from the mobile service platform.
- (b) On or about August 24, 2021, the employer did not ensure an employee engaged in scraping the rails under Autopour #3 was protected from falling off the ledge leading into the area, exposing the employee to a fall height of approximately 4 feet, 5 inches.
- (c) The employer did not ensure employees cleaning near the slag pot on the southeast side of Autopour #1 were protected from falling into the pit immediately adjacent to the slag pot, exposing employees to a fall hazard of approximately 5 feet.
- (d) The employer did not ensure employees cleaning near the slag pot on the southeast side of Autopour #2 were protected from falling into the pit immediately adjacent to the slag pot, exposing employees to a fall hazard of approximately 5 feet.
- (e) The employer did not ensure employees cleaning near the slag pot on the southeast side of Autopour #3 were protected from falling into the pit immediately adjacent to the slag pot, exposing employees to a fall hazard of approximately 5 feet.

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:** 1531243  
**Inspection Date(s):** 05/18/2021 - 07/01/2021  
**Issuance Date:** 11/02/2021

**Citation and Notification of Penalty**

**Company Name: Waupaca Foundry, Inc.**  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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- (f) The employer did not ensure employees cleaning near the slag pot on the southeast side of Autopour #4 were protected from falling into the pit immediately adjacent to the slag pot, exposing employees to a fall hazard of approximately 5 feet.
- (g) The employer did not ensure employees cleaning near the slag pot on the southeast side of Autopour #5 were protected from falling into the pit immediately adjacent to the slag pot, exposing employees to a fall hazard of approximately five feet.
- (h) The employer did not ensure employees cleaning near the slag pot on the southeast side of Autopour #6 were protected from falling into the pit immediately adjacent to the slag pot, exposing employees to a fall hazard of approximately five feet.

Date By Which Violation Must be Abated:  
Proposed Penalty:

December 02, 2021  
\$11,703.00

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:** 1531243  
**Inspection Date(s):** 05/18/2021 - 07/01/2021  
**Issuance Date:** 11/02/2021

## **Citation and Notification of Penalty**

**Company Name:** Waupaca Foundry, Inc.  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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

29 CFR 1910.28(b)(3)(i): The employer must ensure each employee is protected from falling through any hole (including skylights) that is 4 feet (1.2 m) or more above a lower level by one or more of the systems described in 29 CFR 1910.28(b)(3)(i):

At a workplace located at 805 Ogden Street in Marinette, Wisconsin:

- (a) Employees working near Autopour deck #1 were exposed to fall hazards created by a pit opening that was approximately 10 x 3 feet, approximately 5 feet deep, and was located adjacent to Autopour deck #1. The opening was partially covered with a grate made of welded rebar with holes approximately 4 x 4 inches, which exposed employees to trip hazards.
- (b) Employees working near Autopour deck #2 were exposed to fall hazards created by a pit opening that was approximately 10 feet 3 inches by 3 feet, approximately 5 feet deep, and was located adjacent to Autopour deck #2. The opening was partially covered with a grate made of welded rebar with holes approximately 4 x 4 inches, which exposed employees to trip hazards.
- (c) Employees working near Autopour deck #3 were exposed to fall hazards created by a pit opening that was approximately 10 x 3 feet, approximately 5 feet deep, and was located adjacent to Autopour deck #3. The opening was partially covered with a grate made of welded rebar with holes approximately 4 x 4 inches, which exposed employees to trip hazards.
- (d) Employees working near Autopour deck #4 were exposed to fall hazards created by a pit opening that was approximately 10 x 3 feet, approximately 5 feet deep, and was located adjacent to Autopour deck #4. The opening was partially covered with a grate made of welded rebar with holes approximately 4 x 4 inches, which exposed employees to trip hazards.
- (e) Employees working near Autopour deck #5 were exposed to fall hazards created by a pit opening that was approximately 10 x 3 feet, approximately 5 feet deep, and was located adjacent to Autopour deck #5. The opening was partially covered with a grate made of welded rebar with holes approximately 4 x 4 inches, which exposed employees to trip hazards.

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:** 1531243  
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**Citation and Notification of Penalty**

**Company Name:** Waupaca Foundry, Inc.  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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(f) Employees working near Autopour deck #6 were exposed to fall hazards created by a pit opening that was approximately 10 x 3 feet, approximately 5 feet deep, and was located adjacent to Autopour deck #6. The opening was partially covered with a grate made of welded rebar with holes approximately 4 x 4 inches, which exposed employees to trip hazards.

Date By Which Violation Must be Abated:  
Proposed Penalty:

December 02, 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:** 1531243  
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**Issuance Date:** 11/02/2021

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

**Company Name: Waupaca Foundry, Inc.**  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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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: **Serious**

29 CFR 1910.23(b)(9): The employer must ensure ladders are inspected before initial use in each work shift, and more frequently as necessary, to identify any visible defects that could cause employee injury:

At a workplace located at 805 Ogden Street in Marinette, Wisconsin:

(a) The fixed ladder on Autopour #2 in the melt department was not inspected before the work shift. The ladder was bent and damaged in several places, exposing employees to a fall hazard.

(b) The fixed ladder on Autopour #3 in the melt department was not inspected before the work shift. The ladder was bent and damaged in several places, exposing employees to a fall hazard.

Date By Which Violation Must be Abated:  
Proposed Penalty:

December 02, 2021  
\$11,703.00

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:** 1531243  
**Inspection Date(s):** 05/18/2021 - 07/01/2021  
**Issuance Date:** 11/02/2021

**Citation and Notification of Penalty**

**Company Name: Waupaca Foundry, Inc.**  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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

29 CFR 1910.23(b)(10): The employer must ensure any ladder with structural or other defects is immediately tagged "Dangerous: Do Not Use" or with similar language in accordance with §1910.145 and removed from service until repaired in accordance with §1910.22(d), or replaced;

- a) In the Melt Department, a fixed ladder on Autopour #2 was bent and damaged in several places, exposing employees to a fall hazard.
- b) In the Melt Department, a fixed ladder on Autopour #3 was bent and damaged in several places, exposing employees to a fall hazard.

Date By Which Violation Must be Abated:  
Proposed Penalty:

December 02, 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:** 1531243  
**Inspection Date(s):** 05/18/2021 - 07/01/2021  
**Issuance Date:** 11/02/2021

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

**Company Name: Waupaca Foundry, Inc.**  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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

29 CFR 1910.147(d): 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 as described by 29 CFR 1910.147(d)(1)-(6):

At a workplace located at 805 Ogden Street in Marinette, Wisconsin:

(a) On or about May 4, 2021, an employee in the Mill Department was exposed to machine hazards associated with moving parts when they were engaged in cleaning activities on broaching machine #15. The employer did not ensure that employees implemented energy control application steps prior cleaning the broaching machines. The two operating controls were inadvertently depressed and caused the machine to actuate, resulting in an amputation. The machine was not deenergized prior to the employee engaging in a servicing and/or maintenance activity.

As a result, the remaining applicable energy control elements, involving machine isolation [1910.147(d)(3)], lockout/tagout device application [1910.147(d)(4)], dissipation of residual energy [1910.147(d)(5)(i)], and verification of isolation [1910.147(d)(6)] were not implemented to protect employees from machine servicing hazards.

#### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	December 02, 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:** 1531243  
**Inspection Date(s):** 05/18/2021 - 07/01/2021  
**Issuance Date:** 11/02/2021

**Citation and Notification of Penalty**

**Company Name:** Waupaca Foundry, Inc.  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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Citation 2 Item 4 Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv): Unless specifically permitted otherwise in paragraph (g)(1)(ii) of this section, flexible cords and cables may not be used for purposes prohibited by paragraphs (A) through (F) of 29 CFR 1910.305(g)(1)(iv):

At a workplace located at 805 Ogden Street in Marinette, Wisconsin:

(a) On or about June 30, 2021, an extension cord near Shakeout Line #5 was used as permanent power from a junction box to a sensor in the gating system. The extension cord was zip-tied to a handrail and went through an opening in a welded steel bracket on the adjoining building structure.

Date By Which Violation Must be Abated:  
Proposed Penalty:

December 02, 2021  
\$9,753.00

**Robert J. Bonack**  
Area Director

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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**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1648 Tri Park Way Appleton, WI 54914



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## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Waupaca Foundry, Inc.  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143  
**Issuance Date:** 11/02/2021

Summary of Penalties for Inspection Number: 1531243

Citation 1 Item 1, Willful - Serious	\$117,024.00
Citation 2 Item 1a, Serious	\$11,703.00
Citation 2 Item 1b, Serious	\$0.00
Citation 2 Item 2a, Serious	\$11,703.00
Citation 2 Item 2b, Serious	\$0.00
Citation 2 Item 3, Serious	\$13,653.00
Citation 2 Item 4, Serious	\$9,753.00

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**TOTAL PROPOSED PENALTIES:** **\$163,836.00**

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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.

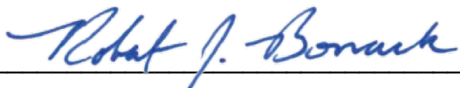
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



**Robert J. Bonack**

Area Director

November 2, 2021

Date

**U.S. Department of Labor** Occupational Safety and Health Administration  
1648 Tri Park Way  
Appleton, WI 54914



11/02/2021

Waupaca Foundry, Inc.  
and its successors  
805 Ogden Street  
Marinette, WI 54143

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (920) 734-4521.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

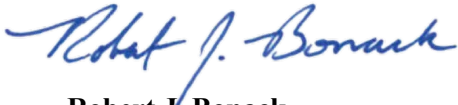
As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

A handwritten signature in blue ink that reads "Robert J. Bonack". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

**Robert J. Bonack**  
Area Director

Enclosures

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1648 Tri Park Way  
Appleton, WI 54914



## Citation and Notification of Penalty

**To:**  
Waupaca Foundry, Inc.  
and its successors  
805 Ogden Street  
Marinette, WI 54143

**Inspection Number:** 1531240  
**Inspection Date(s):** 05/18/2021 - 11/01/2021  
**Issuance Date:** 11/02/2021

**Inspection Site:**  
805 Ogden Street  
Marinette, WI 54143

*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 (920) 734-4521. 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 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 11/02/2021. The conference will be held by telephone or at the OSHA office located at 1648 Tri Park Way, Appleton, WI 54914 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1531240**

Company Name: Waupaca Foundry, Inc.  
Inspection Site: 805 Ogden Street, Marinette, WI 54143  
Issuance Date: 11/02/2021

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, 1648 Tri Park Way, Appleton, WI 54914.**

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:** 1531240  
**Inspection Date(s):** 05/18/2021 - 11/01/2021  
**Issuance Date:** 11/02/2021

## **Citation and Notification of Penalty**

**Company Name: Waupaca Foundry, Inc.**  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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

29 CFR 1910.95(b)(1): When employees are subjected to sound exceeding those listed in Table G-16, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of Table G-16, personal protective equipment shall be provided and used to reduce sound levels within the levels of the table:

At the facility located at 805 Ogden Street, Marinette, WI 54143; feasible administrative or engineering controls were not utilized to reduce sound levels within the levels of Table G-16 of 29 CFR 1910.95 for instances such as, but not limited to:

- a) In Shakeout Line 2 area, a Shakeout employee was exposed to noise at 1091.4% (noise dose) of the allowable noise dose of 100% during a sample period of 476 minutes during one shift on June 30, 2021. A noise dose of 1091.4% is equivalent to an 8-hour TWA sound level of 107.2 dBA.
- b) In Shakeout Line 3 area, a Shakeout employee was exposed to noise at 1262.6% (noise dose) of the allowable noise dose of 100% during a sample period of 480 minutes during one shift on June 30, 2021. A noise dose of 1262.6% is equivalent to an 8-hour TWA sound level of 108.3 dBA.
- c) In Shakeout Line 4 area, a Shakeout employee was exposed to noise at 1144.5% (noise dose) of the allowable noise dose of 100% during a sample period of 480 minutes during one shift on June 30, 2021. A noise dose of 1144.5% is equivalent to an 8-hour TWA sound level of 107.6 dBA.
- d) In Shakeout Line 5 area, a Shakeout employee was exposed to noise at 1826.4% (noise dose) of the allowable noise dose of 100% during a sample period of 480 minutes during one shift on June 30, 2021. A noise dose of 1826.4% is equivalent to an 8-hour TWA sound level of 111.0 dBA.
- e) In Shakeout Line 6 area, a Shakeout employee was exposed to noise at 966.4% (noise dose) of the allowable noise dose of 100% during a sample period of 466 minutes during one shift on June 30, 2021. A noise dose of 966.4% is equivalent to an 8-hour TWA sound level of 106.3 dBA.

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:** 1531240  
**Inspection Date(s):** 05/18/2021 - 11/01/2021  
**Issuance Date:** 11/02/2021

## **Citation and Notification of Penalty**

**Company Name: Waupaca Foundry, Inc.**  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

f) In Shakeout Lines 1-6 areas, a Shakeout Floater employee was exposed to noise at 1822.7% (noise dose) of the allowable noise dose of 100% during a sample period of 480 minutes during one shift on June 30, 2021. A noise dose of 1822.7% is equivalent to an 8-hour TWA sound level of 110.9 dBA.

g) In the Pattern Cleaning area, an Ice Blaster employee was exposed to noise at 1152.3% (noise dose) of the allowable noise dose of 100% during a sample period of 480 minutes during one shift on June 30, 2021. A noise dose of 1152.3% is equivalent to an 8-hour TWA sound level of 107.6 dBA.

Applicable administrative and engineering control options may include, but are not limited to the following:

1. Conduct thorough noise studies in the Pattern Cleaning and Shakeout Areas to verify all significant contributing noise sources, noise source frequencies, surfaces (resonant and reflective) and employee positioning.

### 2. Pattern Cleaning Area Considerations

i. Enclose the abrasive blasting operation to isolate the Ice Blaster position from the noise generated during the abrasive blasting of patterns.

ii. Institute employee rotation or limit individuals' time at the abrasive blasting position to reduce the amount of time the operator is exposed to noise generated during the abrasive blasting of patterns.

### 3. Shakeout Area Considerations

i. Minimize the fall distance that iron castings and scrap gating drop during transport in the Shakeout Areas. Areas of focus include, but are not limited to, the drops from:

- a) the shaker transfer tables to the process coolers;
- b) the shaker transfer tables to the gating/scrap transfer lines;
- c) the frequency tables to the shaker transfer tables, specifically on Shakeout Lines 2, 5 and 6.

Methods to minimize fall distances could include installing gradually declined ramps (similar to those present on Shakeout Line 3, between the frequency table and the shakeout transfer table), improving upon ramps (such as those present on Shakeout Lines 1 and 4 between the Didion drums and shakeout transfer tables) and providing fall dampeners, such as heat-resistant rubber plates/baffles at drops to reduce the energy of falling castings (areas of focus could include the drops between shaker transfer tables and process coolers).

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:** 1531240  
**Inspection Date(s):** 05/18/2021 - 11/01/2021  
**Issuance Date:** 11/02/2021

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

**Company Name:** Waupaca Foundry, Inc.  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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ii. Isolate the Shakeout operators from adjacent and surrounding noise sources such as, but not limited to, the frequency tables, the process coolers, the gating/scrap transfer line and adjacent Shakeout lines. Methods could include, but are not limited to, constructing an isolated work station (booth) and utilizing sound dampening materials or barriers to minimize noise entering employees' workstations from the frequency tables and the process coolers. American Foundry Society (AFS) publication "Hearing Loss Prevention in Metalcasting" references a case study in a ferrous foundry where the shakeout equipment was isolated from surrounding processes and workers by an enclosure constructed from acoustical panels with an impermeable liner (to prevent plugging of acoustical material) with noise reduction from 105 dBA to 89 dBA after installation.

iii. Increase the distance between the positioning of the Shakeout employees and the frequency tables.

iv. Investigate, install and utilize sound dampening materials where metal on metal impact occurs such as on metal tables and metal tools. Examples include, but are not limited to, sound dampening material on the underside of the shaker transfer tables, shaker transfer tables with sandwiched dampening material, and non-metallic dead blow hammers.

v. Close the openings of the frequency tables as much as feasible with noise dampening barriers. American Foundry Society (AFS) publication "Hearing Loss Prevention in Metalcasting" references a case study in a ferrous foundry where the shakeout equipment included a series of three flexible rubber barriers spaced six inches apart at the enclosure inlet to reduce escape of noise from the enclosure.

vi. Limit employee time of exposure to noise in the Shakeout Areas. Ensure that employees do not take breaks or spend unnecessary time in the Shakeout lines or adjacent areas.

vii. Continue the implementation of the hammering reduction initiative to further reduce the overall amount of scrap and gating materials being conveyed in the process.

viii. Develop a preventative maintenance program for noise source reduction to investigate any unnecessary contributions to employees' noise exposure from machine noise related to maintenance issues.

Implement as many of the above controls as possible for a collective effect in reduction to noise exposures.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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:** 1531240  
**Inspection Date(s):** 05/18/2021 - 11/01/2021  
**Issuance Date:** 11/02/2021

**Citation and Notification of Penalty**

**Company Name:** Waupaca Foundry, Inc.  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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Date By Which Violation Must be Abated:  
Proposed Penalty:

March 23, 2022  
\$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

**Inspection Number:** 1531240  
**Inspection Date(s):** 05/18/2021 - 11/01/2021  
**Issuance Date:** 11/02/2021

## **Citation and Notification of Penalty**

**Company Name: Waupaca Foundry, Inc.**  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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

29 CFR 1910.1053(c): The employer shall ensure that no employee is exposed to an airborne concentration of respirable crystalline silica in excess of 50 mg/m<sup>3</sup>, calculated as an 8-hour TWA:

At the facility located at 805 Ogden Street, Marinette, WI 54143;

- a) In Shakeout Line 3 area, a Shakeout employee was exposed to respirable crystalline silica at an average concentration of 59 µg/m<sup>3</sup> on June 29, 2021, approximately 1.2 times the PEL of 50 µg/m<sup>3</sup>. This exposure was derived from one sample collected over 489 minutes.
- b) In Shakeout Line 5 area, a Shakeout employee was exposed to respirable crystalline silica at an average concentration of 70 µg/m<sup>3</sup> on June 29, 2021, approximately 1.4 times the PEL of 50 µg/m<sup>3</sup>. This exposure was derived from one sample collected over 493 minutes.
- c) In Shakeout Line 6 area, a Shakeout employee was exposed to respirable crystalline silica at an average concentration of 89 µg/m<sup>3</sup> on June 29, 2021, approximately 1.8 times the PEL of 50 µg/m<sup>3</sup>. This exposure was derived from one sample collected over 489 minutes.
- d) In Shakeout Line 1-6 areas, a Shakeout Floater employee was exposed to respirable crystalline silica at an average concentration of 61 µg/m<sup>3</sup> on June 29, 2021, approximately 1.2 times the PEL of 50 µg/m<sup>3</sup>. This exposure was derived from one sample collected over 491 minutes.

Applicable administrative and engineering controls options may include, but are not limited to the following:

1. Conduct thorough air studies in the Shakeout Areas to verify all significant contributing airborne respirable crystalline silica (ARCS) sources and employee positions.

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:** 1531240  
**Inspection Date(s):** 05/18/2021 - 11/01/2021  
**Issuance Date:** 11/02/2021

## **Citation and Notification of Penalty**

**Company Name: Waupaca Foundry, Inc.**  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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### 2. Shakeout

- i. Eliminate the practice of dry sweeping by Shakeout employees. Utilize vacuum suction cleaning with either a central vacuum system or portable apparatus supplied with HEPA filters.
- ii. Provide local exhaust ventilation (LEV) at the transitions between the frequency tables and shaker transfer tables at the Shakeout workstations. Utilize such LEV to capture and remove ARCS from the air before it enters the Shakeout workstations. Additionally, enclose or minimize the frequency tables' openings at the Shakeout workstations to limit ARCS from escaping the tunnels of frequency tables into the Shakeout workstations.
- iii. Modify and adjust the existing push/pull exhaust ventilation in the Shakeout workstations to improve control and capture of ARCS. Ensure the clean air supplies (push) provide a smooth, tempered and uniform airflow across the employees' work positions. Ensure that the clean air supply vents are all functioning and positioned in a manner to evenly direct ARCS towards the exhaust capture face and to reduce eddying currents around Shakeout employees' breathing zones. Ensure the clean air supply total airflow volume matches the total airflow volume of the side-draft capture hoods (pull) to allow for efficient capture of the silica laden air stream at the capture face.
- iv. Enclose the Shakeout workstations and provide ventilation to isolate the workstations from sources of ARCS surrounding the Shakeout lines.
- v. Ensure work practice controls are implemented correctly. Require and enforce employees to take their 30-minute breaks (eight times per day) in clean areas such as breakrooms.
- vi. Remove as much sand from the castings and gating transport process as early in the flow as possible. Dropouts and/or down draft ventilation at the transition from the frequency table to the shaker transport table could reduce the available sand to become ARCS in the transport process. Replace shaker transportation equipment with methods that will minimize making ARCS airborne (e.g. steal belt conveyor systems).

Ensure all local exhaust ventilation components, including but not limited to side draft hoods, clean air supplies and ventilated enclosures are installed, inspected, maintained and operated in a manner to efficiently and effectively capture ARCS.

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



Date By Which Violation Must be Abated:  
Proposed Penalty:

March 23, 2022  
\$0.00



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

**Inspection Number:** 1531240  
**Inspection Date(s):** 05/18/2021 - 11/01/2021  
**Issuance Date:** 11/02/2021

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

**Company Name: Waupaca Foundry, Inc.**  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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

29 CFR 1910.1053(f)(1): The employer shall use engineering and work practice controls to reduce and maintain employee exposure to respirable crystalline silica to or below the PEL, unless the employer can demonstrate that such controls are not feasible. Wherever such feasible engineering and work practice controls are not sufficient to reduce employee exposure to or below the PEL, the employer shall nonetheless use them to reduce employee exposure to the lowest feasible level and shall supplement them with the use of respiratory protection that complies with the requirements of paragraph (g) of this section:

At the facility located at 805 Ogden Street, Marinette, WI 54143; the employer did not use engineering and work practice controls to reduce and maintain employee exposures to respirable crystalline silica to or below the PEL when Shakeout employees (lines 3, 5 and 6) and Shakeout Floater employees (rotating between lines 1-6) worked in the Shakeout line areas separating castings from gating and dry sweeping below the lines.

Date By Which Violation Must be Abated:  
Proposed Penalty:

March 23, 2022  
\$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:** 1531240  
**Inspection Date(s):** 05/18/2021 - 11/01/2021  
**Issuance Date:** 11/02/2021

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

**Company Name:** Waupaca Foundry, Inc.  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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#### Citation 2 Item 3    Type of Violation: **Other-than-Serious**

29 CFR 1910.1053(h)(1): The employer shall not allow dry sweeping or dry brushing where such activity could contribute to employee exposure to respirable crystalline silica unless wet sweeping, HEPA-filtered vacuuming or other methods that minimize the likelihood of exposure are not feasible:

At the facility located at 805 Ogden Street, Marinette, WI 54143; the employer allowed dry sweeping which could have contributed to employee exposure to respirable crystalline silica when other methods that minimize the likelihood of exposure were feasible when Shakeout employees would dry sweep in the pits below the Shakeout lines where fugitive sand from the Shakeout process was present.

Date By Which Violation Must be Abated:  
Proposed Penalty:

March 23, 2022  
\$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:** 1531240  
**Inspection Date(s):** 05/18/2021 - 11/01/2021  
**Issuance Date:** 11/02/2021

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

**Company Name:** Waupaca Foundry, Inc.  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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#### Citation 2 Item 4    Type of Violation: **Other-than-Serious**

29 CFR 1910.1053(h)(2)(i): The employer shall not allow compressed air to be used to clean clothing or surfaces where such activity could contribute to employee exposure to respirable crystalline silica unless compressed air is used in conjunction with a ventilation system that effectively captures the dust cloud created by the compressed air:

At the facility located at 805 Ogden Street, Marinette, WI 54143; the employer allowed compressed air to be used at the sweeper truck cleaning area to clean sweeper trucks, which could contribute to employee exposure to respirable crystalline silica. An exhaust ventilation side-draft hood was used at the cleaning area; however, the side-draft hood did not effectively capture the dust cloud created by the compressed air.

Date By Which Violation Must be Abated:  
Proposed Penalty:

March 23, 2022  
\$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:** 1531240  
**Inspection Date(s):** 05/18/2021 - 11/01/2021  
**Issuance Date:** 11/02/2021

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

**Company Name:** Waupaca Foundry, Inc.  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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#### Citation 2 Item 5 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(g): This paragraph requires employers to establish and implement procedures for the proper use of respirators. These requirements include prohibiting conditions that may result in facepiece seal leakage, preventing employees from removing respirators in hazardous environments, taking actions to ensure continued effective respirator operation throughout the work shift, and establishing procedures for the use of respirators in IDLH atmospheres or in interior structural firefighting situations:

At the facility located at 805 Ogden Street, Marinette, WI 54143; in the Shakeout Line 1-6 areas, the employer did not:

- a) Prohibit conditions that may result in facepiece seal leakage. Shakeout employees were observed entering demarcated respirable crystalline silica regulated areas without first connecting their loose-fitting supplied-air respirators (SAR) to compressed breathing air supply lines. Employees were potentially exposed to respirable crystalline silica via facepiece seal leakage without the positive pressure of the compressed breathing air.
- b) Prevent employees from removing respirators in hazardous environments. Shakeout employees were observed entering demarcated respirable crystalline silica regulated areas before donning their loose-fitting supplied-air respirators (SAR). Employees were potentially exposed to respirable crystalline silica without respiratory protection in the regulated areas.

Date By Which Violation Must be Abated:  
Proposed Penalty:

December 13, 2021  
\$0.00

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**Robert J. Bonack**  
Area Director

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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**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1648 Tri Park Way Appleton, WI 54914



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**INVOICE /  
DEBT COLLECTION NOTICE**

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**Company Name:** Waupaca Foundry, Inc.  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143  
**Issuance Date:** 11/02/2021

Summary of Penalties for Inspection Number: 1531240

Citation 1 Item 1, Serious	\$9,753.00
Citation 2 Item 1, Other-than-Serious	\$0.00
Citation 2 Item 2, Other-than-Serious	\$0.00
Citation 2 Item 3, Other-than-Serious	\$0.00
Citation 2 Item 4, Other-than-Serious	\$0.00
Citation 2 Item 5, Other-than-Serious	\$0.00

**TOTAL PROPOSED PENALTIES:** **\$9,753.00**

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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 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.

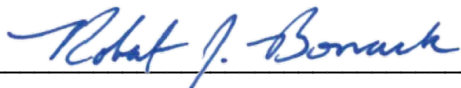
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



**Robert J. Bonack**  
Area Director

November 2, 2021

Date

**U.S. Department of Labor** Occupational Safety and Health Administration  
1648 Tri Park Way  
Appleton, WI 54914



11/02/2021

Waupaca Foundry, Inc.  
and its successors  
805 Ogden Street  
Marinette, WI 54143

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (920) 734-4521.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

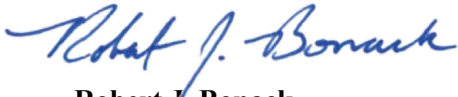
If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written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

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.



You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

A handwritten signature in blue ink that reads "Robert J. Bonack". The signature is written in a cursive style with a large initial 'R'.

**Robert J. Bonack**  
Area Director

Enclosures

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1648 Tri Park Way  
Appleton, WI 54914



## Citation and Notification of Penalty

**To:**  
Waupaca Foundry, Inc.  
and its successors  
805 Ogden Street  
Marinette, WI 54143

**Inspection Number:** 1551997  
**Inspection Date(s):** 07/22/2021 - 07/22/2021  
**Issuance Date:** 11/02/2021

**Inspection Site:**  
805 Ogden Street  
Marinette, WI 54143

*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 (920) 734-4521. 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 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 11/02/2021. The conference will be held by telephone or at the OSHA office located at 1648 Tri Park Way, Appleton, WI 54914 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1551997**

Company Name: Waupaca Foundry, Inc.  
Inspection Site: 805 Ogden Street, Marinette, WI 54143  
Issuance Date: 11/02/2021

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, 1648 Tri Park Way, Appleton, WI 54914.**

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:** 1551997  
**Inspection Date(s):** 07/22/2021 - 07/22/2021  
**Issuance Date:** 11/02/2021

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

**Company Name:** Waupaca Foundry, Inc.  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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#### 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, 29 CFR 1910.147(c)(4)(ii)(A), (c)(4)(ii)(B), (c)(4)(ii)(C) and (c)(4)(ii)(D):

At a workplace located at 805 Ogden Street in Marinette, Wisconsin:

The employer failed to clearly identify all of the specific steps to be followed by employees servicing the Auto-Pour receivers to isolate, disable, and verify that the Hot Metal Carriers (HMCs) were locked out prior to servicing the receiver. The procedure lacked the following:

1. How to verify and test that the Anti-Collision System had de-energized the HMC rail to ensure isolation had been accomplished on the HMC and,
2. Notification of affected employees including the HMC Operators, prior to energy controls being applied and after they were removed from the machine or equipment.

#### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

December 13, 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.



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

**Inspection Number:** 1551997  
**Inspection Date(s):** 07/22/2021 - 07/22/2021  
**Issuance Date:** 11/02/2021

## **Citation and Notification of Penalty**

**Company Name: Waupaca Foundry, Inc.**  
**Inspection Site:** 805 Ogden Street, Marinette, WI 54143

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

29 CFR 1910.147(d): 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 as described by 29 CFR 1910.147(d)(1)-(6):

At a workplace located at 805 Ogden Street in Marinette, Wisconsin:

a) On or about July 17, 2021, an employee was exposed to struck-by hazards from the HMC ladle when the employee was servicing the Auto-Pour receiver #2. The employer did not ensure the employees implemented energy isolation steps while cleaning and maintaining the receiver on the Auto-Pour #2. The HMC ladle was not de-energized prior to an employee engaging in servicing and/or maintenance activities, exposing the employee to struck-by hazards from the HMC ladle.

b) In the Mold Department on Auto-pour receivers #1 through #6, refractory employees were exposed to struck by hazards while servicing the horse-collars from the west side of the receiver. The employer did not ensure that employees implemented energy isolation steps while cleaning and maintaining the horse-collars. The HMC ladles were not de-energized prior to employees engaging in servicing and/or maintenance activities, exposing employees to struck-by hazards from the HMC ladle.

As a result, the remaining applicable energy control elements, involving machine isolation [1910.147(d)(3)], lockout/tagout device application [1910.147(d)(4)], dissipation of residual energy [1910.147(d)(5)(i)], and verification of isolation [1910.147(d)(6)] were not implemented to protect employees from machine servicing hazards.

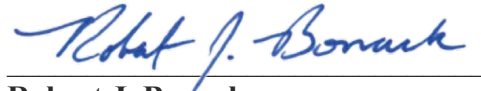
### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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



Date By Which Violation Must be Abated:  
Proposed Penalty:

December 13, 2021  
\$13,653.00

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**Robert J. Bonack**  
Area Director

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**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1648 Tri Park Way Appleton, WI 54914



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**INVOICE /  
DEBT COLLECTION NOTICE**

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**Company Name: Waupaca Foundry, Inc.**  
**Inspection Site: 805 Ogden Street, Marinette, WI 54143**  
**Issuance Date: 11/02/2021**

Summary of Penalties for Inspection Number: 1551997

Citation 1 Item 1, Serious	\$13,653.00
Citation 1 Item 2, Serious	\$13,653.00

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**TOTAL PROPOSED PENALTIES:** **\$27,306.00**

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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 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.

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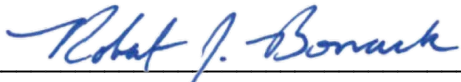
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

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**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.



\_\_\_\_\_  
**Robert J. Bonack**

Area Director

\_\_\_\_\_  
November 2, 2021

Date