U.S. Department of Labor Occupational Safety and Health Administration 6393 Oak Tree Blvd, Suite 203 Independence, OH 44131 Phone: 216-447-4194 Fax: 216-520-1624



September 9, 2016

A-BRITE PLATING COMPANY 3000 West 121st Street Cleveland, OH 44111

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) revised 2015, 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.

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 6 of the booklet, you may request an informal conference with me during the 15-workingday 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 <u>www.osha.gov</u>. If you have any dispute with the accuracy of the information displayed, please contact this office.

Sinceret Howard B Eberts

Area Director

Enclosures

Occupational Safety and Health Administration 6393 Oak Tree Blvd Suite 203 Independence, OH 44131 Phone: 216-447-4194 Fax: 216-520-1624



Citation and Notification of Penalty

To:

A-BRITE PLATING COMPANY and its successors 5245 Burke Street N9A 613 Windsor, Ontario Ontario, N9A 613 CANADA

Inspection Site: 3000 W. 121ST STREET Cleveland, OH 44111 Inspection Number: 1140585 Inspection Date(s): 04/15/2016 - 04/15/2016 Issuance Date: 09/09/2016

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. During such

Citation and Notification of Penalty

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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. <u>Unless you inform the Area Director in writing that you intend</u> 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 on <u>www.pay.gov</u>. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on <u>OSHA Penalty Payment Form</u>. The direct link is:

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

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

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

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

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

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/09/2016. The conference will be held by telephone or at the OSHA office located at 6393 Oak Tree Blvd, Suite 203, Independence, OH 44131 on ______ at _____. Employees and/or representatives of employees have a right to attend an

informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1140585

Company Name: A-BRITE PLATING COMPANY Inspection Site: 3000 W. 121ST STREET, Cleveland, OH 44111 Issuance Date: 09/09/2016

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, 6393 Oak Tree Blvd, Suite 203, Independence, OH 44131

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

Inspection Number: 1140585 Occupational Safety and Health Administration Inspection Date(s): 04/15/2016 - 04/15/2016 Issuance Date: 09/09/2016



Citation and Notification of Penalty

Company Name: A-BRITE PLATING COMPANY Inspection Site: 3000 W. 121ST STREET, Cleveland, OH 44111

Citation 1 Item 1 Type of Violation: Serious

29 CFR 1910.22(b)(1): Aisles and passageways were not kept clear and in good repair, with no obstruction across or in aisles that could create a hazard.

On or about April 11, 2016, the employer did not ensure there was sufficient safe clearance in the Bline aisle way at the rack conveyor auto transfer point. B-line machine operators were exposed to struck-by hazards when the B-line plating racks were automatically conveyed across the aisle way.

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

10/04/2016 \$10689.00

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 Date(s): 04/15/2016 - 04/15/2016

Inspection Number: 1140585 Issuance Date: 09/09/2016



Citation and Notification of Penalty

Company Name: A-BRITE PLATING COMPANY Inspection Site: 3000 W. 121ST STREET, Cleveland, OH 44111

Citation 1 Item 2 Type of Violation: Serious

29 CFR 1910.135(a)(1): The employer did not ensure that each affected employee wear a protective helmet when working in areas where there is a potential for injury to the head from falling objects:

On or about April 11, 2016, the employer did not ensure protective helmets were provided to employees working in areas around the A, B and Hoist plating lines rack conveyors. Employees are exposed to potential head injuries from parts and/or racks falling from the A, B and Hoist line rack conveyers.

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

10/04/2016 \$10689.00

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

Inspection Number: 1140585 Occupational Safety and Health Administration Inspection Date(s): 04/15/2016 - 04/15/2016 **Issuance Date:** 09/09/2016



<u>Citation and Notification of Penalty</u>

Company Name: A-BRITE PLATING COMPANY Inspection Site: 3000 W. 121ST STREET, Cleveland, OH 44111

Citation 1 Item 3 Type of Violation: Serious

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

On or about April 11, 2016, the employer did not inform employees, by posting danger signs or other equally effective means, that work near and enter the A-line and B-line plating process tanks of the existence, location, and danger posed by the permit required spaces.

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

10/04/2016 \$8908.00

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

Citation and Notification of Penalty

U.S. Department of Labor Occupational Safety and Health Administration Inspection Date(s): 04/15/2016 - 04/15/2016

Inspection Number: 1140585 Issuance Date: 09/09/2016



<u>Citation and Notification of Penalty</u>

Company Name: A-BRITE PLATING COMPANY Inspection Site: 3000 W. 121ST STREET, Cleveland, OH 44111

<u>Citation 1 Item 4</u> Type of Violation: Serious

29 CFR 1910.146(e)(1): Before entry was authorized, the employer did not document the completion of measures required by 29 CFR 1910.146(d)(3) by preparing an entry permit:

On or about April 11, 2016, before allowing employees and supervisors to enter the A and B line plating process tanks the employer did not document the completion of a confined space entry permit to ensure the means, procedures, and practices necessary for safe permit required confined space entry operations were implemented.

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

10/04/2016 \$8908.00

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

Citation and Notification of Penalty

U.S. Department of Labor Occupational Safety and Health Administration Inspection Date(s): 04/15/2016 - 04/15/2016

Inspection Number: 1140585 Issuance Date: 09/09/2016



Citation and Notification of Penalty

Company Name: A-BRITE PLATING COMPANY Inspection Site: 3000 W. 121ST STREET, Cleveland, OH 44111

Citation 1 Item 5 Type of Violation: Serious

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146 (permit required confined spaces) acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under 29 CFR 1910.146:

On or about April 11, 2016, the employer did not provide training to employees and supervisors in the understanding, knowledge, and skills necessary for the safe performance of duties when entering and working inside the A and B line plating process tanks.

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

10/04/2016 \$8908.00

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

Citation and Notification of Penalty

Inspection Number: 1140585 Occupational Safety and Health Administration Inspection Date(s): 04/15/2016 - 04/15/2016 Issuance Date: 09/09/2016



Citation and Notification of Penalty

Company Name: A-BRITE PLATING COMPANY Inspection Site: 3000 W. 121ST STREET, Cleveland, OH 44111

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

Citation 1 Item 6 a Type of Violation: Serious

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

On or about March 14, 2016, the employer did not ensure employees were utilizing the procedures for the safe application, usage, and removal of energy controls while clearing a jammed parts rack that had fallen into a plating process tank on the B plating line. Energy sources include, but not limited to: electric power.

Date By Which Violation Must be Abated: Proposed Penalty:

Corrected During Inspection \$12471.00

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

Citation and Notification of Penalty

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

Inspection Number: 1140585 Inspection Date(s): 04/15/2016 - 04/15/2016 Issuance Date: 09/09/2016



Citation and Notification of Penalty

Company Name: A-BRITE PLATING COMPANY Inspection Site: 3000 W. 121ST STREET, Cleveland, OH 44111

Citation 1 Item 6 b Type of Violation: Serious

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the actions listed in and was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6):

On or about March 14, 2016, a machine operator was exposed to machine hazards associated with the unexpected energization of moving parts during the clearing of a jammed parts rack that had fallen into a plating process tank on the B plating line. The employer did not ensure the machine operator implemented energy control procedures by affixing a lockout device to the electrical energy isolation device [per the 1910.147(d)(4) requirements] and verified the isolation and deenergization of the machine had been accomplished [(d)(6)].

Date By Which Violation Must be Abated:

Corrected During Inspection

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

Inspection Number: 1140585 Occupational Safety and Health Administration Inspection Date(s): 04/15/2016 - 04/15/2016 Issuance Date: 09/09/2016



Citation and Notification of Penalty

Company Name: A-BRITE PLATING COMPANY Inspection Site: 3000 W. 121ST STREET, Cleveland, OH 44111

Citation 1 Item 6 c Type of Violation: Serious

29 CFR 1910.147(f)(3)(i): A procedure was not utilized to afford the employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device when servicing and/or maintenance was performed by a crew, craft, department or other group;

On or about March 14, 2016, a crew of employees were exposed to machine hazards associated with the unexpected energization of moving parts during the clearing of a jammed parts rack that had fallen into a plating process tank on the B plating line. The employer did not ensure the crew implemented group energy control procedures by each employee affixing a lockout device to the electrical energy isolation device [per the 1910.147(f)(3)(ii)(D) requirements] and verified the isolation and deenergization of the machine had been accomplished [per the 1910.147(d)(6) requirements]. Energy sources include, but not limited to; electric energy.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

Citation and Notification of Penalty

Inspection Number: 1140585 Occupational Safety and Health Administration Inspection Date(s): 04/15/2016 - 04/15/2016 Issuance Date: 09/09/2016



Citation and Notification of Penalty

Company Name: A-BRITE PLATING COMPANY Inspection Site: 3000 W. 121ST STREET, Cleveland, OH 44111

Citation 1 Item 7 Type of Violation: Serious

29 CFR 1910.147(c)(6)(i)(C): Where lockout was used for energy control, the periodic inspection did not include a review, between the inspector and each authorized employee, of that employee's responsibilities under the energy control procedure being inspected:

On or about April 11, 2016, the employers periodic inspection of the energy control procedures did not include a review of each authorized employees responsibilities under the energy control procedures. Authorized employees perform service and maintenance activities on the A, B, and Hoist plating process lines. Energy sources include, but are not limited to; electrical, and/or kinetic (fluids) energy.

Date By Which Violation Must be Abated: Proposed Penalty:

Corrected During Inspection \$12471.00

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

Citation and Notification of Penalty

Inspection Number: 1140585 Occupational Safety and Health Administration Inspection Date(s): 04/15/2016 - 04/15/2016 Issuance Date: 09/09/2016



Citation and Notification of Penalty

Company Name: A-BRITE PLATING COMPANY Inspection Site: 3000 W. 121ST STREET, Cleveland, OH 44111

<u>Citation 1 Item 8</u> Type of Violation: Serious

29 CFR 1910.147(c)(7)(i)(A): Authorized employee(s) did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control:

On or about March 14, 2016, the employer did not ensure machine operators clearing a jammed parts rack from inside the B plating line etch tank were trained in the methods and means necessary for energy isolation and control. Energy sources include, but are not limited to; electrical power.

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

Corrected During Inspection \$12471.00

Howard B Eberts Area Director

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

Citation and Notification of Penalty

U.S. Department of Labor Occupational Safety and Health Administration 6393 Oak Tree Blvd Suite 203 Independence, OH 44131 Phone: 216-447-4194 Fax: 216-520-1624



INVOICE / DEBT COLLECTION NOTICE

Summary of Penalties for Inspection Number	1140585
Citation 1, Serious	\$85515.00
TOTAL PROPOSED PENALTIES	\$85515.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on <u>www.pay.gov</u>. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on <u>OSHA Penalty Payment Form</u>. The direct link is <u>https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334</u>. 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 2 times.

Citation and Notification of Penalty

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.

<u>Interest</u>: 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.

<u>Administrative Costs</u>: 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.

Date

Howard B Eberts Area Director