

## SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as "Commissioner") and Empro Manufacturing Company Incorporated (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty IOSHA Inspection No. 318092665 issued to the Employer on March 23, 2018 in the following manner:

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### SAFETY ORDER 01:

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- Item 1: Reduced to Non-Serious. Penalty is reduced to Zero Dollars. Abatement extended to 5-4-18. Employer agrees to send photos to [Abatementgi@dol.in.gov](mailto:Abatementgi@dol.in.gov) for proof of abatement by 5-4-18.
- Item 2: Upheld. Penalty reduced to \$750. Abatement extended to 8-1-18. Employer agrees to work with INSafe on a LOTO program and provide a final copy to IOSHA by email for abatement by 8-1-18 to [abatementgi@dol.in.gov](mailto:abatementgi@dol.in.gov) that will include training sign in sheets on the LOTO program.
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- Item 3: Upheld. Penalty reduced to \$750. Abatement extended to 4-20-18 for interim measure of posting signs on unguarded machines and training employees. Employer will send photos of interim measures to [abatementgi@dol.in.gov](mailto:abatementgi@dol.in.gov) by 4-20-18. Employer will send photos of signage and sign in sheet of training that will make employees aware of the hazard by 4-20-18 to [abatementgi@dol.in.gov](mailto:abatementgi@dol.in.gov) until it is ultimately abated which will be by 6-1-18 unless the particular machine needs input from INSafe, then the abatement date will be extended to 8-1-18. Employer agrees to send photos of guarding abatement to [abatementgi@dol.in.gov](mailto:abatementgi@dol.in.gov).
- Item 4: Reduced to NonSerious. Penalty is reduced to Zero Dollars. Abatement extended to 8-1-18. If INSafe agrees that heavy cast iron base machines does not need bolted down, then ER agrees to furnish that documentation from INSafe. If INSafe agrees the machines need bolted down, then employer agrees to send photos of the bolted down machines and work orders/invoices to IOSHA by 8-1-18 to [abatementgi@dol.in.gov](mailto:abatementgi@dol.in.gov).
- Item 5: Upheld. Penalty reduced to \$750. Abatement extended to 4-20-18 for interim measure of posting signs on unguarded machines and

training of employees of the hazards. Employer will send photos of signage and sign in sheets of training that will make employees aware of the hazard to [abatementgi@dol.in.gov](mailto:abatementgi@dol.in.gov) by 4-20-18 until it is ultimately abated which will be by 6-1-18 unless the particular machine needs input from INSafe as to whether two hand controls and elimination of the foot pedal in its entirety would be the best practice, then the abatement date will be 8-1-18. Employer agrees to provide a covered foot pedal in the event the foot pedal.

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- Item 6: Grouped with Item 5. Penalty reduced to Zero Dollars.
- Item 7: Reduced to Non-Serious. Penalty is reduced to Zero Dollars. Abatement extended to 8-1-18 to work with INSafe to determine if the cord and plug machine needs removed from the light switch or if the newly developed LOTO procedures will eliminate the hazard.
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- Item 8: Upheld. Penalty reduced to \$750. Abatement extended to 4-20-18 for interim measure of posting signs on unguarded machines and training of employees. Employer will send photos of signage and sign in sheet of training that will make employees aware of the hazard until it is ultimately abated which will be by 6-1-18 unless the particular machine needs input from INSafe as to whether two hand controls and elimination of the foot pedal in its entirety would be the best practice, then the abatement date will be 8-1-18. Employer will work with INSafe to put together a program for periodic inspections of machine power presses and provide the program to IOSHA at [abatementgi@dol.in.gov](mailto:abatementgi@dol.in.gov) by 8-1-18.
- Item 9: Reduced to Non-Serious. Penalty is reduced to Zero Dollars. Abatement extended to 8-1-18 to work with INSafe on proper training content.
- Item 10: Reduced to Non-Serious. Penalty is reduced to Zero Dollars. Abatement extended to 4-20-18.
- Item 11: Upheld. Penalty reduced to \$750. Abatement extended to 4-20-18 for interim measure of implementing a written housekeeping program that includes no eating, drinking, or smoking in the manufacturing area. Employer currently cleaning breakroom now

every Thursday. Employer will work with INSafe to determine if the housekeeping program is effective through wipe sampling. Employer agrees to send a copy of wipe sampling and written housekeeping program to IOSHA after consulting with INSafe by 8-1-18 to [abatementgi@dol.in.gov](mailto:abatementgi@dol.in.gov).

Item 12: Reduced to Non-Serious. Penalty is reduced to Zero Dollars.  
Abatement remains 4-26-18.

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SAFETY ORDER 02:

Item 1: Reduced to Serious. Penalty reduced to \$750. Abatement extended to 8-1-18. Employer agrees to work with INSafe and provide a completed HAZCOM program that includes training of employees and sign-in sheets for the training to IOSHA by 8-1-18.

Item 2: Grouped with SO 2, Item 1. Penalty reduced to Zero Dollars.

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SAFETY ORDER 03:

Item 1: Upheld Penalty reduced to \$150. Abatement extended to 8-1-18. Employer agrees to work with INSafe on hazard assessments for specific job tasks and provide copies to IOSHA by 8-1-18. Employer agrees to train on the proper PPE including the effectiveness and limitations of the PPE for specific tasks and provide copies of sign in sheets to IOSHA by 8-1-18 submitted to [abatementgi@dol.in.gov](mailto:abatementgi@dol.in.gov).

Item 2: Grouped with SO-3, Item 1. Penalty reduced to Zero Dollars.

Item 3: Upheld Penalty reduced to \$150. Air sampling conducted by IOSHA-However, Abatement extended to 8-1-18 as Employer agrees to work with INSafe to conduct personal sampling to ensure that personal exposure levels are below action level with each product (copper, copper alloy, tin, aluminum, soldering fluid, etc.) used in the facility.

Item 4: Upheld Penalty reduced to \$150. Abatement remains 4-26-18. Employer will provide signed sheets that indicate the employee has received a copy of Appendix A and B of the lead standard. The sign documents must be submitted to [abatementgi@dol.in.gov](mailto:abatementgi@dol.in.gov).

In consideration of the above amendments, the employer:

1. Employer agrees to work with INSafe to ensure compliance with the original and amended citations.
2. Employer agrees to provide INSafe with the citations and to work on the specific citations with INSafe for abatement.

**The TOTAL AGREED PENALTY is \$4950.**

**The first of twelve payments of \$412.50 will be due and payable on the 15<sup>th</sup> of May and the next eleven payments are due on the 15<sup>th</sup> of each consecutive month with the last payment of \$412.50 due and payable on April 15<sup>th</sup>, 2019.**

THE EMPLOYER IS SATISFIED WITH THE AMENDMENTS STATED ABOVE AND ACCORDINGLY WAIVES ITS RIGHT TO FILE A NOTICE OF CONTEST OF THE SAFETY ORDER(S) AND NOTIFICATION(S) OF PENALTY AS AMENDED AND AGREES TO WITHDRAW ANY PREVIOUSLY FILED NOTICES OF CONTEST IN THIS MATTER.

Upon full execution of this Settlement Agreement ("Agreement") the Employer will post this Agreement for three (3) working days or until abatement is completed, whichever period is longer.

The Safety Order(s) and Notification(s) of Penalty are, and shall be, herein a final and enforceable Order of the Board of Safety Review.

The Employer further agrees that if the AGREED PENALTY is not paid as agreed that the full amount of the penalty initially assessed against the Employer in the Safety Order(s) and Notification(s) of Penalty which are the subject of this Agreement is due and payable immediately.

Except for this Agreement, and IOSHA matters arising out of this Agreement, and any other subsequent IOSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by Employer shall be deemed an admission by Employer of the allegations contained within the Safety Order(s) and Notification(s) of Penalty. The agreements, statements, findings and actions taken herein are made in order to compromise and settle this IOSHA matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

EMPRO MANUFACTURING  
COMPANY INCORPORATED

By: Harad Jinder

Title: Treasurer

Date: 4-18-18

COMMISSIONER OF LABOR

By: [Signature]

Title: Director

Date: 4-18-18

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington St - Room W195  
Indianapolis, IN 46204  
Phone: 317-232-2691 FAX: (317)233-3790



## Safety Order and Notification of Penalty

**To:**

Empro Manufacturing Company Incorporated  
PO Box 26060  
Indianapolis, IN 46226

**Inspection Number:** 318092665**CSHO ID:** D0414**Optional Report No.:** 0150-18**Inspection Date(s):** 11/29/2017 - 1/25/2018**Issuance Date:** 3/23/2018**Inspection Site:**

10920 East 59th Street  
Indianapolis, IN 46226

*The violation(s) described in this Safety Order 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.*

An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

**Informal Conference** - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any of the results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

**Right to Contest** - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s)

and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

**Posting** - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

**Penalties** - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

**Abatement** - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

- (1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or
- (2) The abatement period is extended by the granting of a petition for modification of abatement date.

**PMAs** - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

- (1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance

during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

**Notification of Corrective Action** - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty..

**Followup Inspections** - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

**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 Indiana Department of Labor/IOSHA at the address shown above.

**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 Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.



**Indiana Department of Labor**

**NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 3/23/2018. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**Indiana Department of Labor**  
~~Occupational Safety and Health Administration~~

**Inspection Number:** 318092665  
**Inspection Date(s):** 11/29/2017 - 1/25/2018  
**Issuance Date:** 3/23/2018  
**CSHO ID:** D0414  
**Optional Report No.:** 0150-18

**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated  
**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 01 Item 001**

Type of Violation: **Serious**

29 CFR 1910.36(d)(1): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

North Building, Slotting / Drilling Area - The emergency exit door along the south wall was not readily available in that it had a bent frame which required more than one person to open the jammed door.

**Date By Which Violation Must Be Abated:** 4/26/2018  
**Proposed Penalty:** \$1,500.00

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 318092665

**Inspection Date(s):** 11/29/2017 - 1/25/2018

**Issuance Date:** 3/23/2018

**CSHO ID:** D0414

**Optional Report No.:** 0150-18

**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated

**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 01 Item 002**

Type of Violation: **Serious**

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source and rendered inoperative:

Facility - No written machine specific energy control (lockout/tagout) procedures were established for equipment such as, but not limited to; the Toledo Press, the Bipel Puck machine, and Induction circular saw, for maintenance and repair tasks.

A LOTO programs consists of machine specific LOTO procedures, employee training, and periodic inspections to ensue LOTO use and to identify deficiencies in the program.

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

**4/26/2018**

**Proposed Penalty:**

**\$1,500.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318092665  
**Inspection Date(s):** 11/29/2017 - 1/25/2018  
**Issuance Date:** 3/23/2018  
**CSHO ID:** D0414  
**Optional Report No.:** 0150-18

### Safety Order and Notification of Penalty

**Company Name:** Empro Manufacturing Company Incorporated  
**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

#### Safety Order 01 Item 003

Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

- (a) Soldering Room - No point of operation guard was provided for the Induction SN 4713AJ Circular Saw.
- (b) Slotting / Drilling Area - No point of operation guard was provided for the Adcock & Shipley SN 639A, Model 1D Boring and Milling Machine.
- (c) Slotting / Drilling Area - No point of operation guard was provided for the New Castle Engineering SN 11667.S Milling machine.
- (d) Slotting / Drilling Area - No point of operation guard was provided for the Reynolds Machine & Tool Drill Press.
- (e) Slotting / Drilling Area - No point of operation guard was provided for the Avey Machine Company multi-head Drill Press.
- (f) Slotting / Drilling Area - No point of operation guard was provided for the Walker Turner Co., Inc. SN50DN3D Drill Press.
- (g) Slotting / Drilling area - No point of operation guard was provided for the Chicago Machine Tools a1-24 Drill Press.

(h) Sanding/Plastics Area - No point of operation guard was provided for the Furnas Style K53 lathe.

(i) Plastics Area - No point of operation guard was provided for the Bipel Type 35-7-PELK #A9229 molding machine.

(j) Slotting / Drilling Area - No point of operation guard was provided for the Claussing Model 1617 SN 504768 drill press.

(k) Slotting / Drilling Area - No point of operation guard was provided for the Proconier 11040 Drill press.

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(l) Slotting / Drilling Area - No point of operation guard was provided for the Claussing Model 1754, SN 27808 drill press.

(m) Slotting / Drilling Area - No point of operation guard was provided for the Walker Turner SN27 1144 drill press.

(n) Slotting / Drilling Area - No point of operation guard was provided for the Allen Multi-spindle drill press.

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<b>Date By Which Violation Must Be Abated:</b>	<b>4/26/2018</b>
<b>Proposed Penalty:</b>	<b>\$1,500.00</b>

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318092665  
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**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated  
**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 01 Item 004**

Type of Violation: **Serious**

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

(a) Slotting / Drilling Area - Base support on New Castle Engineering SN 11667.S Milling machine, operated for up to 10 hours per day, 4 days per week, was not anchored to the floor.

(b) Slotting / Drilling Area - Base support on Claussing SN 127808 drill press, operated for up to 10 hours per day, 4 days per week, foot plate was not anchored to the floor.

(c) Slotting / Drilling Area - Base support Walker Turner SN27 1144 drill press, operated for up to 10 hours per day, 4 days per week, was not anchored to the floor.

(d) Slotting / Drilling Area - Base support Allen Multi-spindle drill press, operated for up to 10 hours per day, 4 days per week, was not anchored to the floor.

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

**4/26/2018**  
**\$1,500.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318092665  
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**Issuance Date:** 3/23/2018  
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**Optional Report No.:** 0150-18

**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated  
**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 01 Item 005**

Type of Violation: **Serious**

29 CFR 1910.217(b)(3)(i): Mechanical power press(es) using full revolution clutches did not incorporate a single-stroke mechanism:

Slotting / Drilling Area - The Toledo Press, Model 1/2, Empro tag #886 did not have a single stroke mechanism in that the full revolution press continued to run as the operator depressed the foot control.

**Date By Which Violation Must Be Abated:** 4/26/2018  
**Proposed Penalty:** \$1,500.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318092665  
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**Issuance Date:** 3/23/2018  
**CSHO ID:** D0414  
**Optional Report No.:** 0150-18

**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated  
**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 01 Item 006**                      Type of Violation: **Serious**

29 CFR 1910.217(b)(4)(i): Pedal mechanism(s) on mechanical power press(es) full revolution clutches were not protected to prevent unintended operation from falling or moving objects or by accidental stepping onto the pedals:

Slotting / Drilling Area - The Toledo Press, Model 1/2, Empro tag #886 was operated by a foot control that is not covered to prevent accidental start of the machine, which created the potential for injuries including crushing and amputation.

**Date By Which Violation Must Be Abated:** 4/26/2018  
**Proposed Penalty:** \$1,500.00



**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318092665  
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**CSHO ID:** D0414  
**Optional Report No.:** 0150-18

**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated  
**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 01 Item 007**

Type of Violation: **Serious**

29 CFR 1910.217(b)(8)(i): Power press control system(s) on mechanical power press(es) were not provided with main power disconnect switch(es), capable of being locked only in the off position:

Slotting / Drilling Area - The Toledo Press, Model 1/2, Empro tag #886 was energized with a wall switch that was not capable of being locked only in the off position.

**Date By Which Violation Must Be Abated:** 4/26/2018  
**Proposed Penalty:** \$1,500.00

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 318092665

**Inspection Date(s):** 11/29/2017 - 1/25/2018

**Issuance Date:** 3/23/2018

**CSHO ID:** D0414

**Optional Report No.:** 0150-18

**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated

**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 01 Item 008**

Type of Violation: **Serious**

29 CFR 1910.217(e)(1)(i): A program of periodic and regular inspections of mechanical power press(es) was not established and followed to ensure that all parts, auxiliary equipment and safeguards were in a safe operating condition and adjustment:

Slotting and Drilling Area - The Toledo Press, Model 1/2, Empro tag #886 was not subject to regular inspections and had a missing guard on the interior side of the belt-driven flywheel.

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

**4/26/2018**

**Proposed Penalty:**

**\$1,500.00**

**Indiana Department of Labor**

~~Occupational Safety and Health Administration~~

**Inspection Number:** 318092665

**Inspection Date(s):** 11/29/2017 - 1/25/2018

**Issuance Date:** 3/23/2018

**CSHO ID:** D0414

**Optional Report No.:** 0150-18

**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated

**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 01 Item 009**

Type of Violation: **Serious**

29 CFR 1910.217(f)(2): Operator(s) were not trained and instructed in the safe method of work before starting work on mechanical power press(es):

Slotting / Drilling Area - Employees operating the Toledo Press, Model 1/2, Empro tag #886 were not trained in the safe use of the equipment.

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

**4/26/2018**

**Proposed Penalty:**

**\$1,500.00**

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 318092665

**Inspection Date(s):** 11/29/2017 - 1/25/2018

**Issuance Date:** 3/23/2018

**CSHO ID:** D0414

**Optional Report No.:** 0150-18

**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated

**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 01 Item 010**

Type of Violation: **Serious**

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident:

Plastics Area on East Wall - Electrical breaker controlling 208Y/120 volt, 3-phase power was not marked as to amperage, voltage or the purpose.

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

**4/26/2018**

**Proposed Penalty:**

**\$1,500.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318092665  
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**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated  
**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 01 Item 011**

Type of Violation: **Serious**

29 CFR 1910.1025(h)(1): All surfaces were not maintained as free as practicable of accumulations of lead:

- a) North Building, Slotting and Machining Area - Wipe samples taken on December 13, 2017, from the round table in the machine area showed lead surface contamination of 40 ug/100cm<sup>2</sup>, (ug/100cm<sup>2</sup> = micrograms per 100 centimeters squared).
- b) South Building, Calibration Area - Wipe samples taken on December 13, 2017, from the calibration area work table showed lead surface contamination of 30 ug/100cm<sup>2</sup>, (ug/100cm<sup>2</sup> = micrograms per 100 centimeters squared).

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

**4/26/2018**  
**\$1,500.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318092665  
**Inspection Date(s):** 11/29/2017 - 1/25/2018  
**Issuance Date:** 3/23/2018  
**CSHO ID:** D0414  
**Optional Report No.:** 0150-18

**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated  
**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 01 Item 012**

Type of Violation: **Serious**

29 CFR 1910.1200(f)(10): The employer did not ensure that workplace labels or other forms of warnings were legible, in English and prominently displayed on the container or readily available in the work area throughout each work shift:

Soldering Room - No labels were available, or were not legible, on containers of Johnson's soldering fluid 01-00 identifying the hazards contained therein.

**Date By Which Violation Must Be Abated:** 4/26/2018  
**Proposed Penalty:** \$1,500.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318092665  
**Inspection Date(s):** 11/29/2017 - 1/25/2018  
**Issuance Date:** 3/23/2018  
**CSHO ID:** D0414  
**Optional Report No.:** 0150-18

### Safety Order and Notification of Penalty

**Company Name:** Empro Manufacturing Company Incorporated  
**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

#### Safety Order 02 Item 001

Type of Violation: **Repeat**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

Facility - No hazard communication program was developed or provided for employees who routinely use hazardous chemicals, such as, but not limited to; Copper / Copper Alloys and Johnson's soldering fluid 01-00, that contain Lead and Zinc Chloride, respectively.

Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes the criteria for labels and other forms of warning, safety data sheets, and how employee information and training will be met, and which also includes the following: (i) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and, (ii) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

The Empro Manufacturing Company, Incorporated, was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1200(e)(1), which was contained in OSHA inspection number 316938257, citation number 01, item number 002 and was affirmed as a final order on 05/28/2013, with respect to a workplace located at 10920 East 59th Street, Indianapolis, Indiana.

<b>Date By Which Violation Must Be Abated:</b>	<b>4/26/2018</b>
<b>Proposed Penalty:</b>	<b>\$4,000.00</b>

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**Indiana Department of Labor**

~~Occupational Safety and Health Administration~~

**Inspection Number:** 318092665

**Inspection Date(s):** 11/29/2017 - 1/25/2018

**Issuance Date:** 3/23/2018

**CSHO ID:** D0414

**Optional Report No.:** 0150-18

**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated

**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 02 Item 002**

Type of Violation: **Repeat**

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

Facility - Training on the hazards of chemical products was not provided to employees working with products such as, but not limited to; Johnson's Soldering Fluid and Copper / Copper Alloys, that contain Lead and Zinc Chloride, respectively.

The Empro Manufacturing Company, Incorporated, was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1200(h)(1), which was contained in OSHA inspection number 316938257, citation number 01, item number 002 and was affirmed as a final order on 05/28/2013, with respect to a workplace located at 10920 East 59th Street, Indianapolis, Indiana.

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

**4/26/2018**

**Proposed Penalty:**

**\$4,000.00**

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 318092665

**Inspection Date(s):** 11/29/2017 - 1/25/2018

**Issuance Date:** 3/23/2018

**CSHO ID:** D0414

**Optional Report No.:** 0150-18

**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated

**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 03 Item 001**

Type of Violation: **NonSerious**

29 CFR 1910.132(d)(2): The employer did not verify, through a written certification, that the required workplace hazard assessment had been performed:

Facility - No workplace hazard assessment was documented for employees who conducted operations to include but were not limited to, soldering and machining, to determine if there were hazards which required personal protective equipment.

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

**4/26/2018**

**Proposed Penalty:**

**\$300.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318092665  
**Inspection Date(s):** 11/29/2017 - 1/25/2018  
**Issuance Date:** 3/23/2018  
**CSHO ID:** D0414  
**Optional Report No.:** 0150-18

**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated  
**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 03 Item 002**

Type of Violation: **NonSerious**

29 CFR 1910.132(f)(1): The employer did not provide training to each employee who is required by this section to use personal protective equipment:

Facility - Employees provided with protective equipment such as, but not limited to; cotton gloves and latex gloves were not provided training as to the use and effectiveness of the protection when in contact with chemicals such as Johnson's Soldering Fluid and Copper / Copper Alloys.

**Date By Which Violation Must Be Abated:** 4/26/2018  
**Proposed Penalty:** \$300.00

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 318092665

**Inspection Date(s):** 11/29/2017 - 1/25/2018

**Issuance Date:** 3/23/2018

**CSHO ID:** D0414

**Optional Report No.:** 0150-18

**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated

**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 03 Item 003**

Type of Violation: **NonSerious**

29 CFR 1910.1025(d)(2): An initial determination was not made to determine if any employee may be exposed to lead at or above the action level:

Soldering room, Slotting and Machining Areas - No exposure monitoring was performed to determine whether employees, working with products such as copper / copper alloys and brass, were exposed to lead at or above the action level.

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

**4/26/2018**

**Proposed Penalty:**

**\$300.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318092665  
**Inspection Date(s):** 11/29/2017 - 1/25/2018  
**Issuance Date:** 3/23/2018  
**CSHO ID:** D0414  
**Optional Report No.:** 0150-18

**Safety Order and Notification of Penalty**

**Company Name:** Empro Manufacturing Company Incorporated  
**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226

**Safety Order 03 Item 004**

Type of Violation: **NonSerious**

29 CFR 1910.1025(l)(1)(i): Employee(s) working in an area where there is potential exposure to airborne lead at any level were not informed of the content of Appendices A and B of 29 CFR 1910.1025:

Facility - The contents of Appendices A and B of the lead standard were not provided to employees working with products such as copper / copper alloys and brass.

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

**4/26/2018**  
**\$300.00**



Julie C. Alexander, J.D.  
Director of General Industry

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington St - Room W195  
Indianapolis, IN 46204  
Phone: (317)232-2691 FAX: (317)233-3790



## INVOICE/DEBT COLLECTION NOTICE

**Company Name:** Empro Manufacturing Company Incorporated  
**Inspection Site:** 10920 East 59th Street, Indianapolis, IN 46226  
**Issuance Date:** 3/23/2018

### Summary of Penalties for Inspection Number: 318092665

Safety Order 1, Serious	= \$18,000.00
Safety Order 2, Repeat	= \$8,000.00
Safety Order 3, NonSerious	= \$1,200.00
<b>TOTAL PENALTIES</b>	<b>= \$27,200.00</b>

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

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

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).

Julie C. Alexander, J.D.  
Director of General Industry

3.23.18  
Date