

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington St - Room W195
Indianapolis, IN 46204
Phone: (317)232-1979 FAX: (317)233-3790



Notification of Failure to Abate Alleged Violations

To:

Pace Performance Coatings
8701 Motorsports Way
Brownsburg, IN 46112

Inspection Site:

8701 Motorsports Way
Brownsburg, IN 46112

Original Inspection Number: 318012895

Original Inspection Date(s): 4/14/2016 - 8/2/2016

Inspection Number: 318097813

Inspection Date(s): 05/07/2018 - 05/29/2018

Issuance Date: 6/7/2018

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

After the original inspection, a Safety Order(s) was issued to you in accordance with the provisions of the Occupational Safety and Health Act of 1970 (the Act), notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon reinspection, it is alleged that you have failed to abate the violation(s) listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty is computed by multiplying a daily penalty times the number of days the violation(s) remained unabated. You are to notify the Area Director in writing of the date and nature of the corrective action taken. If you do not abate the violation(s), further penalties may be proposed and other enforcement action to compel abatement may be taken under section 11(b) of the Act.

You are further notified that you must pay the ADDITIONAL PENALTY unless you inform the Area Director in writing that you intend to contest the Notification or the Additional Penalty within 15 working days (excluding weekends and State holidays) from your receipt of this notification. If you do not contest within 15 working days after receipt, the Notification and the additional penalties will become the final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Notification 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 the Notification is affirmed by the Review Commission.

Notification of Corrective Action - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the IOSHA office issuing the safety order and identification above. The certification **must** be sent by you within **10 calendar days** of the abatement date of the abatement date identification on the safety order. For **Knowing and Repeat**

violations, documents (examples: photos, copies of recipes, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the safety order is classified as Serious and the safety orders states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the safety order indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

For each safety order where you do contest the violation or the abatement date, your obligation to submit abatement certification and any documents is delayed until the contest and the 10-day period after the abatement date have expired. See 29CFR 1903.19 and the OSHA 3000 booklet for more information.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the safety order and safety order item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to IOSHA, also be posted at the location where the violation appeared and the corrective action took place.

Inspection Activity Data - you should be aware that IOSHA publishes information on its inspection and safety order activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 7 calendar days after the Safety Order Issuance Date. 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.

Make your check or money order payable to "Indiana DOL/IOSHA". Please indicate the Inspection Number on the remittance.

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the Notification of Failure to Abate Alleged Violations issued on 8/23/2016. The conference will be held at the OSHA 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.

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Notification of Failure to Abate Alleged Violation

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| Original Inspection Date(s): | 4/14/2016 - 8/2/2016 | Inspection Date(s): | 05/07/2018 - 05/29/2018 |
| | | Issuance Date: | 6/7/2018 |
| | | CSHO ID: | N5021 |
| | | Optional Report No.: | 18/11 |

Company Name: Pace Performance Coatings

Inspection Site: 8701 Motorsports Way, Brownsburg, IN 46112

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

Safety Order 01 Item 004a

29 CFR 1910.94(a)(5)(iv): For employees who use respirators required by this section, the employer must implement a respiratory protection program in accordance with 29 CFR 1910.134:

Sand Blasting Booth - No respirator program was implemented for an employee who performed abrasive blasting operations with a Nova 2000 Blast Hood.

FAILURE TO ABATE

On May 7, 2018, a follow-up inspection determined that there was no respirator program implemented for an employee who performed spray coating operations with a 3M tight fitting half mask respirator. For a period of thirty (30) or more days, including thirty (30) days from September 26, 2016, the employer failed to provide respirator program, as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Pace Performance Coatings and its Successors, Inspection No. 318012895, part of the citations issued to the employer on August 23, 2016, and the Final Order resulting therefrom.

FAILURE TO ABATE Safety Order 01 Item 004a, INSPECTION NO. 318012895, ISSUED ON August 23, 2016.

Additional Penalty:

\$42,000.00

Indiana Department of Labor

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| | | Issuance Date: | 6/7/2018 |
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Company Name: Pace Performance Coatings
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Safety Order 01 Item 004b

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

Spray Area - No respirator program was implemented for an employee who performed spray coating operations with a 3M tight fitting half mask respirator.

The employer shall include in the program the following provisions of this section, as applicable:

(i) Procedures for selecting respirators for use in the workplace; (ii) Medical evaluations of employees required to use respirators; (iii) Fit testing procedures for tight-fitting respirators; (iv) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations; (v) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators; (vi) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators; (vii) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations; (viii) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and (ix) Procedures for regularly evaluating the effectiveness of the program.

FAILURE TO ABATE

On May 7, 2018, a follow-up inspection determined that there was no respirator program implemented for an employee who performed abrasive blasting operations with a Nova Blast hood. For a period of thirty (30) or more days, including thirty (30) days from September 26, 2016, the employer failed to provide respirator program, as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Pace Performance Coatings and its Successors, Inspection No. 318012895, part of the citations issued to the employer on August 23, 2016, and the Final Order resulting therefrom.

FAILURE TO ABATE Safety Order 01 Item 004b, INSPECTION NO. 318012895, ISSUED ON August 23, 2016.

Additional Penalty:

\$60,000.00

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CSHO ID: N5021
Optional Report No.: 18/11

Company Name: Pace Performance Coatings

Inspection Site: 8701 Motorsports Way, Brownsburg, IN 46112

Safety Order 01 Item 007

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 energy control program (lockout/tagout) was implemented for controlling energy sources such as, but not limited to; electrical and pneumatic, when servicing equipment.

FAILURE TO ABATE

On May 7, 2018, a follow-up inspection determined that an energy control program was not implemented for controlling energy sources such as, but not limited to: electrical and pneumatic, when servicing equipment. For a period of thirty (30) or more days, including thirty (30) days from September 26, 2016, the employer failed to provide the energy control program, as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Pace Performance Coatings and its Successors, Inspection No. 318012895, part of the citations issued to the employer on August 23, 2016, and the Final Order resulting therefrom.

FAILURE TO ABATE Safety Order 01 Item 007, INSPECTION NO. 318012895, ISSUED ON August 23, 2016.

Additional Penalty: **\$24,000.00**

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CSHO ID: N5021

Optional Report No.: 18/11

Company Name: Pace Performance Coatings

Inspection Site: 8701 Motorsports Way, Brownsburg, IN 46112

Safety Order 01 Item 011

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 in place for employees who used hazardous chemicals such as, but not limited to; DuPont Starblast, and Axalta Aero Yellow.

FAILURE TO ABATE

On May 7, 2018, a follow-up inspection determined that a training sheet log confirming training of the hazard communication program was not performed for employees who use hazardous chemicals such as, but not limited to: DuPont Starblast and Axalta Aero Yellow. For a period of thirty (30) or more days, including thirty (30) days from September 26, 2016, the employer failed to provide training sheet log confirming training of the hazard communication program, as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Pace Performance Coatings and its Successors, Inspection No. 318012895, part of the citations issued to the employer on August 23, 2016, and the Final Order resulting therefrom.

FAILURE TO ABATE Safety Order 01 Item 011, INSPECTION NO. 318012895, ISSUED ON August 23, 2016.

Additional Penalty:

\$42,000.00

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Company Name: Pace Performance Coatings

Inspection Site: 8701 Motorsports Way, Brownsburg, IN 46112

Safety Order 02 Item 001

29 CFR 1910.132(d)(2): The employer did not verify, through a written certification, the identity of the workplace evaluated, the person certifying that the evaluation had been performed, and the date the hazard assessment was done:

Facility - No certified evaluation of the personal protective equipment needs was performed for employees who performed abrasive blasting and electrostatic coating spray operations.

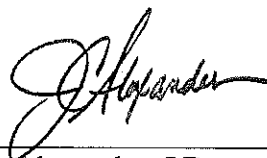
FAILURE TO ABATE

On May 7, 2018, a follow-up inspection determined that a written certified evaluation of the personal protective equipment need was not performed for employees who performed abrasive blasting and electrostatic coating spray operations. For a period of thirty (30) or more days, including thirty (30) days from September 26, 2016, the employer failed to provide a written certified evaluation of the personal protective equipment need, as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Pace performance Coatings and its Successors, Inspection No. 318012895, part of the citations issued to the employer on August 23, 2016, and the Final Order resulting therefrom.

FAILURE TO ABATE Safety Order 02 Item 001, INSPECTION NO. 318012895, ISSUED ON August 23, 2016.

Additional Penalty:

\$12,000.00



Julie C. Alexander, J.D.
Director 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: Pace Performance Coatings
Inspection Site: 8701 Motorsports Way, Brownsburg, IN 46112
Issuance Date: 6/7/2018
Opt. Insp. Nr: 18/11

Summary of Penalties for Inspection Number: 318012895
Followup Inspection Number: 318097813

Safety Order 1, Serious = \$168,000.00
Safety Order 2, NonSerious = \$12,000.00

TOTAL ADDITIONAL PROPOSED PENALTIES = \$180,000.00

To avoid additional charges, please remit payment promptly to this Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

OSHA 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.


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 5%. 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 Safety Order 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.



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

6-7-18

Date