

U.S. Department of Labor

Occupational Safety and Health Administration
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203
Phone: 414-297-3315 Fax: 414-297-4299



Citation and Notification of Penalty

To:
C&D TECHNOLOGIES, INC.
and its successors
900 E. Keefe Ave.
Milwaukee, WI 53212

Inspection Number: 1285277
Inspection Date(s): 12/28/2017 - 05/14/2018
Issuance Date: 05/18/2018

Inspection Site:
900 E. Keefe Ave.
Milwaukee, WI 53212

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 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 on www.pay.gov. 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 **OSHA Penalty Payment Form**. 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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/18/2018. The conference will be held by telephone or at the OSHA office located at 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1285277

Company Name: C&D TECHNOLOGIES, INC.
Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212
Issuance Date: 05/18/2018

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, 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203**

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: 1285277
Inspection Date(s): 12/28/2017 - 05/14/2018
Issuance Date: 05/18/2018



Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.
Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

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

29 CFR 1910.22(d)(1): The employer did not ensure that walking-working surfaces were inspected, regularly and as necessary, and maintained in a safe condition:

(a) Formation Department - Building 12: On or about April 19, 2018, in the vicinity of the charging tables, there was an uncovered floor trench for drainage of battery acid. The floor trench spanned the concrete walking-working surface which measured approximately 31 inches long X 3.75 inches wide X 2.5 inches in depth, exposing employees to a trip and fall hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5543.00

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

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Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.
Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

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

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

(a) COS Department - Line Six (6) - Grob Band Saw, Model #4V-18: On or about March 1, 2018, the unused portion of the saw blade was not guarded during use. Workers were able to access the unused portion of the rotating saw blade, exposing employees to amputation injuries.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$12934.00

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



Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.
Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

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

29 CFR 1910.1025(e)(4)(i): When ventilation was used to control exposure to lead, measurements which demonstrate the effectiveness of the system in controlling exposure were not made at least every three months:

- (a) Measurements demonstrating the effectiveness of the ventilation system (such as tests of capture velocity, duct velocity, and static pressure) were not performed at least every three months. In 2017, the employer measured air velocities for the local exhaust ventilation provided for lead processing equipment on four (4) COS (Cast on Strap) Lines and on three (3) Pasting Lines in February and July. After July 2017, no additional measurements were made by the employer.
- (b) Measurements checking the effectiveness of the various bag houses and other dust collectors associated with the ventilation provided to control exposure to lead, were not performed at least every three months. In 2017, the employer measured the air flow at these bag houses and other dust collectors in June and November. After November 2017, no additional measurements were made by the employer.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within ten (10) calendar days after the abatement date.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/14/2018
\$9239.00



Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.
Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

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

29 CFR 1910.1025(f)(3)(i)(A): Respirators required under 29 CFR 1910.1025 for protection against lead were not selected in accordance with 29 CFR 1910.134(d)(3)(I)(A):

(a) COS Department - Line Six (6): On or about March 1, 2018, a Utility worker exposed to lead at a concentration (11 Times OSHA PEL) in excess of 0.5 milligrams per cubic meter averaged over an eight hour period, utilized a half-mask, air purifying respirator equipped with high efficiency filters. Use of the half-mask respirator was not in accordance with Table 1 of 29 CFR 1910.134 in that this exposure to lead exceeded the assigned protection factor (10 Times OSHA PEL) of the half-mask respirator.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$12934.00



Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.
Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

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

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

(a) In the northeast corner of the lunchroom, the soft drink (soda) machine chute was found to be contaminated by lead. On or about, December 28, 2017, approximately 3,851 micrograms of lead was detected by wipe sampling of the base of the compartment of the soft drink (soda) machine into which workers grasp selected containers of soft drink (soda).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within ten (10) calendar days after the abatement date.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/14/2018
\$9239.00



Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.
Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

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

29 CFR 1910.1025(m)(2)(i): The employer did not post the following warning signs in each work area where the PEL is exceeded:

DANGER
LEAD
MAY DAMAGE FERTILITY OR THE UNBORN CHILD
CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM
DO NOT EAT, DRINK OR SMOKE IN THIS AREA

(a) Warning signs which included the required wording were not posted in each work area where the permissible exposure limit (PEL) was exceeded. On or about April 19, 2018, the sign posted at the walk-way leading to the Pasting Area, where lead levels exceeded the OSHA Permissible Exposure Limit (PEL) for lead, did not bear the required wording to alert workers of the serious health hazards of lead, including the potential for lead to damage fertility or the unborn child, and that lead causes damage to the central nervous system.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within ten (10) calendar days after the abatement date.

Date By Which Violation Must be Abated:	06/14/2018
Proposed Penalty:	\$5543.00



Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.
Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

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: **Repeat**

29 CFR 1910.1025(c)(1): Employee(s) were exposed to lead at concentrations greater than fifty micrograms per cubic meter of air averaged over an eight-hour period:

(a) On February 28, 2018, an Operator on Pasting Line #3 was exposed to lead at an 8-hour time weighted average of 0.1514 mg/m³, approximately 3.03 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 438 minutes. Exposure calculations include a zero increment for the 42 minutes not sampled.

(b) On February 28, 2018, an Operator on Pasting Line #1 was exposed to lead at an 8-hour time weighted average of 0.0825 mg/m³, approximately 1.65 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 422 minutes. Exposure calculations include a zero increment for the 58 minutes not sampled.

(c) On February 28, 2018, a Catcher on Pasting Line #1 was exposed to lead at an 8-hour time weighted average of 0.1951 mg/m³, approximately 3.90 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 453 minutes. Exposure calculations include a zero increment for the 27 minutes not sampled.

(d) On February 28, 2018, a Catcher on Pasting Line #3 was exposed to lead at an 8-hour time weighted average of 0.2479 mg/m³, approximately 4.96 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 458 minutes. Exposure calculations include a zero increment for the 22 minutes not sampled.



Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.

Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

(e) On February 28, 2018, a Utility Operator on Pasting Lines #1 and #3 was exposed to lead at an 8-hour time weighted average of 0.1662 mg/m³, approximately 3.32 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 442 minutes. Exposure calculations include a zero increment for the 38 minutes not sampled.

(f) On February 28, 2018, a Mixer providing paste for Pasting Lines #1 and #3 was exposed to lead at an 8-hour time weighted average of 0.3758 mg/m³, approximately 7.52 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 449 minutes. Exposure calculations include a zero increment for the 31 minutes not sampled.

(g) On February 28, 2018, a Mixer providing paste for Pasting Lines #1 and #3 was exposed to lead at an 8-hour time weighted average of 0.1191 mg/m³, approximately 2.38 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 434 minutes. Exposure calculations include a zero increment for the 46 minutes not sampled.

(h) On February 28, 2018, a Tool Tech for Pasting Lines #1 and #3 was exposed to lead at an 8-hour time weighted average of 0.0907 mg/m³, approximately 1.81 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 443 minutes. Exposure calculations include a zero increment for the 37 minutes not sampled.

(i) On February 28, 2018, a Relief worker on COS Line 6 was exposed to lead at an 8-hour time weighted average of 0.0848 mg/m³, approximately 1.70 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 452 minutes. Exposure calculations include a zero increment for the 28 minutes not sampled.

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



Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.

Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

(j) On March 1, 2018, a Utility worker on COS Line 6 was exposed to lead at an 8-hour time weighted average of 0.5672 mg/m³, approximately 11.34 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 438 minutes. Exposure calculations include a zero increment for the 42 minutes not sampled.

(k) On March 1, 2018, an Assembly Operator on COS Line 6 was exposed to lead at an 8-hour time weighted average of 0.2885 mg/m³, approximately 5.77 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 428 minutes. Exposure calculations include a zero increment for the 52 minutes not sampled.

(l) On March 1, 2018, a Stacker on COS Line 5 was exposed to lead at an 8-hour time weighted average of 0.0819 mg/m³, approximately 1.64 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 426 minutes. Exposure calculations include a zero increment for the 54 minutes not sampled.

(m) On March 1, 2018, an Operator on COS Line 5 was exposed to lead at an 8-hour time weighted average of 0.1305 mg/m³, approximately 2.61 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 437 minutes. Exposure calculations include a zero increment for the 43 minutes not sampled.

(n) On March 1, 2018, a Relief worker on COS Line 5 was exposed to lead at an 8-hour time weighted average of 0.0902 mg/m³, approximately 1.80 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 430 minutes. Exposure calculations include a zero increment for the 50 minutes not sampled.



Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.
Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

The C&D Technologies, Inc. was previously cited for a repeat violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1025(c)(1), which was contained in OSHA inspection number 122392715, citation number 2, item number 1a, and was affirmed as a final order on April 11, 2011, and which was abated on November 20, 2013, with respect to a workplace located at 900 E. Keefe Avenue, Milwaukee, WI 53212.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within ten (10) calendar days after the abatement date.

Date By Which Violation Must be Abated:	02/12/2019
Proposed Penalty:	\$92390.00



Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.
Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

Citation 2 Item 1 b Type of Violation: **Repeat**

29 CFR 1910.1025(e)(1)(i): For any employees exposed to lead above the permissible exposure limit for more than 30 days per year where engineering and work practice controls (including administrative controls) were feasible but did not reduce the employees' exposure to or below the permissible exposure limit, the employer did not use engineering and/or work practice controls to reduce exposures to the lowest feasible level:

(a) Engineering and work practice controls were not effectively used to reduce and maintain exposures to lead:

1. On February 28, 2018, an Operator on Pasting Line #3 was exposed to lead at an 8-hour time weighted average of 0.1514 mg/m³, approximately 3.03 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 438 minutes. Exposure calculations include a zero increment for the 42 minutes not sampled.
2. On February 28, 2018, an Operator on Pasting Line #1 was exposed to lead at an 8-hour time weighted average of 0.0825 mg/m³, approximately 1.65 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 422 minutes. Exposure calculations include a zero increment for the 58 minutes not sampled.
3. On February 28, 2018, a Catcher on Pasting Line #1 was exposed to lead at an 8-hour time weighted average of 0.1951 mg/m³, approximately 3.90 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 453 minutes. Exposure calculations include a zero increment for the 27 minutes not sampled.



Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.

Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

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4. On February 28, 2018, a Catcher on Pasting Line #3 was exposed to lead at an 8-hour time weighted average of 0.2479 mg/m³, approximately 4.96 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 458 minutes. Exposure calculations include a zero increment for the 22 minutes not sampled.
5. On February 28, 2018, a Utility Operator on Pasting Lines #1 and #3 was exposed to lead at an 8-hour time weighted average of 0.1662 mg/m³, approximately 3.32 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 442 minutes. Exposure calculations include a zero increment for the 38 minutes not sampled.
6. On February 28, 2018, a Mixer providing paste for Pasting Lines #1 and #3 was exposed to lead at an 8-hour time weighted average of 0.3758 mg/m³, approximately 7.52 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 449 minutes. Exposure calculations include a zero increment for the 31 minutes not sampled.
7. On February 28, 2018, a Mixer providing paste for Pasting Lines #1 and #3 was exposed to lead at an 8-hour time weighted average of 0.1191 mg/m³, approximately 2.38 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 434 minutes. Exposure calculations include a zero increment for the 46 minutes not sampled.
8. On February 28, 2018, a Tool Tech for Pasting Lines #1 and #3 was exposed to lead at an 8-hour time weighted average of 0.0907 mg/m³, approximately 1.81 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 443 minutes. Exposure calculations include a zero increment for the 37 minutes not sampled.

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



Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.

Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

9. On March 1, 2018, a Relief worker on COS Line 6 was exposed to lead at an 8-hour time weighted average of 0.0848 mg/m³, approximately 1.70 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 452 minutes. Exposure calculations include a zero increment for the 28 minutes not sampled.

10. On March 1, 2018, a Utility worker on COS Line 6 was exposed to lead at an 8-hour time weighted average of 0.5672 mg/m³, approximately 11.34 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 438 minutes. Exposure calculations include a zero increment for the 42 minutes not sampled.

11. On March 1, 2018, an Assembly Operator on COS Line 6 was exposed to lead at an 8-hour time weighted average of 0.2885 mg/m³, approximately 5.77 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 428 minutes. Exposure calculations include a zero increment for the 52 minutes not sampled.

12. On March 1, 2018, a Stacker on COS Line 5 was exposed to lead at an 8-hour time weighted average of 0.0819 mg/m³, approximately 1.64 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 426 minutes. Exposure calculations include a zero increment for the 54 minutes not sampled.

13. On March 1, 2018, an Operator on COS Line 5 was exposed to lead at an 8-hour time weighted average of 0.1305 mg/m³, approximately 2.61 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 437 minutes. Exposure calculations include a zero increment for the 43 minutes not sampled.



Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.
Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

14. On March 1, 2018, a Relief worker on COS Line 5 was exposed to lead at an 8-hour time weighted average of 0.0902 mg/m³, approximately 1.80 times the permissible exposure limit of 0.050 mg/m³. This limit is established to prevent Central Nervous System (CNS), kidney, blood forming and reproductive system damage. The air samples were collected over 430 minutes. Exposure calculations include a zero increment for the 50 minutes not sampled.

The C&D Technologies, Inc. was previously cited for a repeat violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1025(e)(1)(i), which was contained in OSHA inspection number 122392715, citation number 2, item number 1b, and was affirmed as a final order on April 11, 2011, and which was abated on November 20, 2013, with respect to a workplace located at 900 E. Keefe Avenue, Milwaukee, WI 53212.

Feasible and acceptable abatement methods, among others, to correct these hazards include, but are not limited to:

* Improve local exhaust systems by ensuring that down draft tables or slotted hoods are maintained at recommended air flow rates. During the inspection air flow at the following ventilation units was found to be below the recommended rates (800 to 1200 feet per minute) at the exhaust port:

- On February 28, 2018, at Pasting Line 3 the air velocity at the exhaust port of the local exhaust hood in the vicinity of the paste hopper chute and adjacent to the Operator's work station was approximately 50 fpm (feet per minute).
- On February 28, 2018, at Pasting Line 1 the air velocity at the exhaust port of the local exhaust hood in the vicinity of the paste hopper chute and adjacent to the Operator's work station was approximately 150 fpm.
- On February 28, 2018, at Pasting Line 1 the air velocity at the exhaust port of the backdraft local exhaust hood in the vicinity of the Catcher's workstation was approximately 700 fpm.
- On March 1, 2018, at COS Line 5 the air velocity at the exhaust port of the of the backdraft local exhaust hood at the North Stacker station was approximately 350 fpm.



Citation and Notification of Penalty

Company Name: C&D TECHNOLOGIES, INC.

Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212

- On March 1, 2018, at COS Line 5 the air velocity at the exhaust port of the backdraft local exhaust hood at the South Stacker station was approximately 150 fpm.
- On March 1, 2018, at COS Line 5 the air velocity at the exhaust port of a 6" raised section on the west side of downdraft table at the Loader Station was approximately 35 fpm.
- On March 1, 2018, at COS Line 6 the air velocity at the exhaust port of the downdraft exhaust hood at the Re-Work Station was approximately 80 fpm.
- * Provide improved ventilation for the Mixing Stations on the 2nd Level of Pasting.
- * Provide properly functioning vacuum lines for the Mixing Stations on the 2nd Level of Pasting.
- * Provide improved ventilation for the Grob Band Saw which is used to cut strap (lead alloy) and to cut through batteries on COS Line 6.
- * Provide additional local exhaust ventilation to control exposure to lead when the Operator opens the machine to skim and remove dross from the surface of the molten lead in Cos Line 5.
- * Provide improved separation of lead contaminated waste from general plant waste in COS Line 6.

An abatement plan is required by 29 CFR Part 1903 and is to be submitted within thirty (30) calendar days after the final order date. The abatement plan is to contain the steps being taken to abate the violation, a schedule for achieving abatement, and the interim measures being taken to protect employees. Ninety (90) day progress reports are required during the abatement period.

Step 1: Effective respiratory protection shall be provided and used by exposed employees as an interim protective measure until feasible engineering and/or administrative controls can be implemented, or whenever such controls fail to reduce employee exposure to within permissible exposure limits.

Step 1 abatement has been implemented as of April 19, 2018.



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Step 2: Submit to the Area Director a written, detailed plan of abatement by July 6, 2018, outlining a schedule for the implementation of engineering and/or administrative measures to control employee exposure to hazardous substances as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with the abatement dates required by this citation:

1. Evaluation of engineering and/or administrative control options;
2. Selection of optimum control methods and completion of design;
3. Procurement, installation, and operation of selected control measures;
4. Testing and acceptance or modification/redesign of controls.

Step 2 abatement date is July 6, 2018.

Step 3: Abatement shall have been completed by the implementation of feasible engineering and/or administrative controls upon verification of their effectiveness in achieving compliance. All proposed control measures shall be approved for each particular use by a competent industrial hygienist or other technically qualified person.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within ten (10) calendar days after the abatement date.

Date By Which Violation Must be Abated:

02/12/2019

For A.M.B. Ginn

Christine Zortman
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203
Phone: 414-297-3315 Fax: 414-297-4299



INVOICE / DEBT COLLECTION NOTICE

Company Name: C&D TECHNOLOGIES, INC.
Inspection Site: 900 E. Keefe Ave., Milwaukee, WI 53212
Issuance Date: 05/18/2018

Summary of Penalties for Inspection Number	1285277
Citation 1, Serious	\$55432.00
Citation 2, Repeat	\$92390.00
TOTAL PROPOSED PENALTIES	\$147822.00

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 www.pay.gov. 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 **OSHA Penalty Payment Form**. 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 2 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.

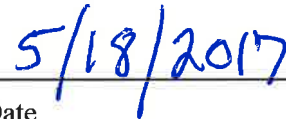
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per 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.



Christine Zortman

Area Director



Date