U.S. Department of Labor
Occupational Safety and Health Administration
2300 Main Street
Suite 168
Kansas City, MO 64108
Phone: 816-483-9531 Fax: 816-483-9724

Citation and Notification of Penalty

To:
ABEC INC.
4420 E Mustard Way
Springfield, MO 65803

Inspection Site:
4420 E Mustard Way
Springfield, MO 65803

Inspection Number: 1117781
Inspection Date(s): 01/14/2016 - 01/14/2016
Issuance Date: 04/12/2016

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

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such 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.

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

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/12/2016. The conference will be held by telephone or at the OSHA office located at 2300 Main Street, Suite 168, Kansas City, MO 64108 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1117781

Company Name: ABEC INC.
Inspection Site: 4420 E Mustard Way, Springfield, MO 65803
Issuance Date: 04/12/2016

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 2300 Main Street, Suite 168, Kansas City, MO 64108**

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

Citation and Notification of Penalty

Company Name: ABEC INC.
Inspection Site: 4420 E Mustard Way, Springfield, MO 65803

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

29 CFR 1910.95(g)(3): Audiometric tests were not performed by a licensed or certified audiologist, otolaryngologist, or other physician or, by a technician who is certified by the Council of Accreditation in Occupational Hearing Conservation, or who has satisfactorily demonstrated competence in administering audiometric examinations, obtaining valid audiograms, and properly using, maintaining and checking calibration and proper functioning of the audiometers being used:

(a) On January 14, 2016, the employer is failing to protect employees when not performing audiometric testing for all employees working in Bays 1, 2, and 3. This was most recently documented at Abecs Springfield, Missouri locations, when audiometric testing was not performed for employees exposed to high noise hazards.

Abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.
Note: In addition to abatement certification, the employer is required to submit abatement documentation for this item. Failure to comply will result in an additional penalty of $1000.00 in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/15/2016
Proposed Penalty:	$7000.00

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: ABEC INC.
Inspection Site: 4420 E Mustard Way, Springfield, MO 65803

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

29 CFR 1910.95(g)(5)(i): The employer did not establish, within 6 months of an employee's first exposure at or above the action level, a valid baseline audiogram against which subsequent audiograms can be compared:

(a) On January 14, 2016, the employer is failing to protect employees by not establishing all of the elements of a hearing conversation program. This was most recently documented at Abecs Springfield, Missouri location, when baseline audiograms were not performed for all employees in order to compare subsequent audiograms.

Abatement certification for this item is required; use the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET for this purpose.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/15/2016
Proposed Penalty:	$6000.00

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: ABEC INC.
Inspection Site: 4420 E Mustard Way, Springfield, MO 65803

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

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

29 CFR 1910.134(c)(2)(i): Respirator users were not provided with the information contained in Appendix D to 29 CFR 1910.134 when the employer determined that any voluntary respirator use was permissible:

(a) On January 14, 2016, the employer is failing to protect employees from respiratory hazards by not providing the required training in order to wear and use a voluntary respirator. This was most recently documented at Abecs Springfield, Missouri location, where employees were authorized to wear a respiratory without appendix D training prior to use.

Abatement certification for this item is required; use the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET for this purpose.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/15/2016
Proposed Penalty:	$6000.00

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: ABEC INC.
Inspection Site: 4420 E Mustard Way, Springfield, MO 65803

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

29 CFR 1910.134(c)(2)(ii): The employer did not establish and implement those elements of a written program necessary to ensure that any employee using a respirator voluntarily was medically able to use that respirator, and that the respirator was cleaned, stored, and maintained so that its use does not present a health hazard to the user:

(a) On January 14, 2016, the employer is failing to protect employees when not establishing and implementing all necessary requirements for ensuring any and all employees are medically able to use a respirator who chooses to voluntarily wear a respirator. This was most recently documented at Abecs Springfield, Missouri location, when employees were authorized to wear a respirator without being medically cleared. The employer has a voluntary respiratory program in place, but have not met implemented the elements of the program which per their abatement certification should have been completed on January 4, 2016.

Abatement certification for this item is required; use the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET for this purpose.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/15/2016

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: ABEC INC.
Inspection Site: 4420 E Mustard Way, Springfield, MO 65803

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

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

29 CFR 1910.1026(i)(4)(i): Employees were allowed to consume food or beverages at a worksite where chromium (VI) was present; however, the employer did not ensure that the eating and drinking areas were maintained as free as practicable of chromium (VI):

(a) On January 14, 2016, the employer is failing to protect employees from ingestion hazards associated with chromium (VI). This was most recently documented at Abecs Springfield, Missouri location, when wipe sampling was performed with positive results of chromium (VI).Wipe sampling was performed in the break room, at the microwave and a refrigerator. Both wipe samples had amounts above the reporting limit. The reporting limit for chromium (VI) is 0.114 micrograms/sample. The microwave had a 0.2539 micrograms/sample and the refrigerator had 0.2861 micrograms/sample.

Abatement certification for this item is required; use the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET for this purpose.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/15/2016
Proposed Penalty:	$6000.00

Citation and Notification of Penalty

Company Name: ABEC INC.
Inspection Site: 4420 E Mustard Way, Springfield, MO 65803

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

29 CFR 1910.1026(j)(1)(i): The employer did not ensure that all surfaces were maintained as free as practicable of accumulations of chromium (VI):

(a) On January 14, 2016, the employer is failing to protect employees from ingestion hazards associated with chromium (VI). This was most recently documented at Abecs Springfield, Missouri location, when wipe sampling was performed with positive results of chromium (VI). Wipe sampling was performed at the wash area in Bay 1. The wipe sample had a result above the reporting limit for chromium (VI), the reporting limit is 0.114 micrograms/sample. The wash area of Bay 1 had 0.3055 micrograms/sample.

Abatement certification for this item is required; use the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET for this purpose.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/15/2016

Citation and Notification of Penalty

Company Name: ABEC INC.
Inspection Site: 4420 E Mustard Way, Springfield, MO 65803

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

29 CFR 1910.1026(d)(2)(iv): The employer used the scheduled monitoring option, and monitoring revealed employee exposures to chromium (VI) to be above the permissible exposure limit; however, the employer did not perform periodic monitoring at least every three months:

(a) On January 14, 2016, the employer is failing to conduct monitoring every 3 months after initial monitoring revealed an overexposure to chromium (VI). This was most recently documented at Abecs Springfield, Missouri location, where employees were overexposed to chromium (VI) on March 5, 2015. The employer conducted first their quarter sampling with an overexposure. This resulted in the employer conducting a second sample one month later which resulted in exposures below the action level, but failed to sample again after this first quarter sampling.

(b) On March 5, 2015, OSHA conducted air sampling for chromium (VI) resulting in an overexposure. An employee working in Bay 2, was exposed to chromium (VI) levels at 6.85 µg/m3 of air for the allowable 8-hour time weighted average (TWA) of 5.0 µg/m3 of air for the OSHA permissible exposure limit (PEL). The sampling was performed for 480 minutes.

ABEC Inc. was previously cited for one violation of this this occupational safety and health standard or its equivalent standard 1910.1026(d)(2)(iv), which was contained in OSHA inspection number 1042803. Inspection number 1042803, citation number 01, item number 005(a) and was affirmed as a final order on July 23, 2015 to a workplace located at 4200 E Mustard Way Springfield, MO 65803.

Abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this item. Failure to comply will result in an additional penalty of $1000.00 in accordance with 29 CFR 1903.19.

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: ABEC INC.
Inspection Site: 4420 E Mustard Way, Springfield, MO 65803

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/15/2016
Proposed Penalty:	$35000.00

Citation and Notification of Penalty

Company Name: ABEC INC.
Inspection Site: 4420 E Mustard Way, Springfield, MO 65803

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

29 CFR 1910.1026(l)(2)(i): Prior to initial job assignment to an area where employees were subject to hexavalent chromium exposure, the employer did not ensure that each employee could demonstrate knowledge in the contents of 29 CFR 1910.1026, and the purpose and description of the medical surveillance program required
by paragraph (k) of the standard:

(a) On January 14, 2016, the employer is failing to provide information and training to all employees on the hazards associated with chromium (VI) during the grinding and welding operations. This was most recently documented at Abecs Springfield, Missouri location, when the employer did not ensure that each employee cold demonstrate knowledge of at least the content found within the chromium (VI) standard; purpose and description of a medical surveillance program.

ABEC Inc. was previously cited for one violation of this this occupational safety and health standard or its equivalent standard 1910.1026(l)(2)(i), which was contained in OSHA inspection number 1042803. Inspection number 1042803, citation number 01, item number 011 and was affirmed as a final order on July 23, 2015 to a workplace located at 4200 E Mustard Way Springfield, MO 65803.

Abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.
NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF $1000.00 IN ACCORDANCE WITH 29 CFR 1903.19

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/15/2016
Proposed Penalty:	$35000.00

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: ABEC INC.
Inspection Site: 4420 E Mustard Way, Springfield, MO 65803

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for **Barbara Theriot**
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
2300 Main Street
Suite 168
Kansas City, MO 64108
Phone: 816-483-9531 Fax: 816-483-9724

INVOICE / DEBT COLLECTION NOTICE

Company Name: **ABEC INC.**
Inspection Site: **4420 E Mustard Way, Springfield, MO 65803**
Issuance Date: **04/12/2016**

Summary of Penalties for Inspection Number	**1117781**
Citation 1, Serious	**$25000.00**
Citation 2, Repeat	**$70000.00**
TOTAL PROPOSED PENALTIES	**$95000.00**

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.

4/12/16

FM) **Barbara Theriot**
Area Director

Date