

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



05/23/2016

Pro Armament Company LLC.
2427 Front Street
Cuyahoga Falls, OH 44221

Dear Employer,

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection," (OSHA 3000) revised 1990, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken, the date they were completed, and send me adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

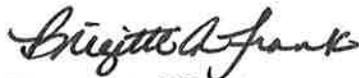
As indicated on page 8 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must schedule it early enough to allow time to contest, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference 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.

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 your inspection will be available 30 calendar days after the Citation 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.

Sincerely,



 Howard B. Eberts
Area Director

Enclosures

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



Notification of Failure to Abate Alleged Violations

To:
Pro Armament Company LLC.
and its successors
2427 Front Street
Cuyahoga Falls, OH 44221

Inspection Site:
2427 Front Street
Cuyahoga Falls, OH 44221

Original Inspection Number: 990237
Original Inspection Date: 08/15/2014 - 03/14/2016

Inspection Number: 1108541
Inspection Date(s): 11/25/2015 - 03/14/2016
Issuance Date: 05/24/2016

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 Citation(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 re-inspection, 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.

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 OSHA office issuing the citation and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states the abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certificate is required for that item.

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 citation and citation 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 OSHA, also be posted at the location where the violation appeared and the corrective action took place.

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 Federal 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.

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](http://www.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.

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 the OSHA to discuss the Notification of Failure to Abate Alleged Violations issued on 05/24/2016. The conference will be held by telephone or at the OSHA office located at 6393 Oak Tree Blvd, Suite 203, Independence, OH 44131 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Original Inspection Number: 990237

Company Name: Pro Armament Company LLC.
Inspection Site: 2427 Front Street, Cuyahoga Falls, OH 44221
Issuance Date: 05/24/2016

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 6393 Oak Tree Blvd, Suite 203, Independence, OH 44131**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

NAME OF COMPANY OFFICIAL

DATE

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.



Notification of Failure to Abate Alleged Violation

Original Inspection: 990237

Inspection Number: 1108541

Original Inspection Dates: 08/15/2014 - 03/14/2016

Inspection Date(s): 11/25/2015 - 03/14/2016

Issuance Date: 05/24/2016

Company Name: Pro Armament Company LLC.

Inspection Site: 2427 Front Street, Cuyahoga Falls, OH 44221

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 1 a

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:

On or about August 15, 2014, employees were required to wear respiratory protection while cleaning the shooting range. The company did not have a written respiratory protection program.

Upon re-inspection on or about November 25, 2015, the employer had yet to develop a respiratory protection program. Employees were required to wear respiratory protection while engaged in cleaning activities such as cleaning the range and/or the trap.

Additional Penalty: \$ 84000.00



Notification of Failure to Abate Alleged Violation

Original Inspection: 990237

Inspection Number: 1108541

Original Inspection Dates: 08/15/2014 - 03/14/2016

Inspection Date(s): 11/25/2015 - 03/14/2016

Issuance Date: 05/24/2016

Company Name: Pro Armament Company LLC.

Inspection Site: 2427 Front Street, Cuyahoga Falls, OH 44221

Citation 1 Item 1 b

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

On or about August 15, 2014, employees were required to wear respiratory protection while cleaning the shooting range and had not first received a medical evaluation.

Upon re-inspection on or about November 25, 2015, the employer had yet to provide its employees with a medical evaluation to determine the employee's ability to use a respirator prior to fit testing or being required to use a respirator in the workplace. Employees were required to wear respiratory protection while engaged in cleaning activities such as cleaning the range and/or the trap.

Additional Penalty:

\$ 0.00



Notification of Failure to Abate Alleged Violation

Original Inspection: 990237

Inspection Number: 1108541

Original Inspection Dates: 08/15/2014 - 03/14/2016

Inspection Date(s): 11/25/2015 - 03/14/2016

Issuance Date: 05/24/2016

Company Name: Pro Armament Company LLC.

Inspection Site: 2427 Front Street, Cuyahoga Falls, OH 44221

Citation 1 Item 1 c

29 CFR 1910.134(f)(1): The employer did not ensure that employee(s) required to use a tight-fitting facepiece respirator passed the appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT):

On or about August 15, 2014, employees were required to wear respiratory protection while cleaning the shooting range and had not first received a fit test.

Upon re-inspection on or about November 25, 2015, the employer had yet to provide its employees with a qualitative fit test or quantitative fit test prior to the employee's initial use of the respirator. Employees were required to wear respiratory protection while engaged in cleaning activities such as cleaning the range and/or the trap.

Additional Penalty: \$ 0.00



Notification of Failure to Abate Alleged Violation

Original Inspection: 990237

Inspection Number: 1108541

Original Inspection Dates: 08/15/2014 - 03/14/2016

Inspection Date(s): 11/25/2015 - 03/14/2016

Issuance Date: 05/24/2016

Company Name: Pro Armament Company LLC.

Inspection Site: 2427 Front Street, Cuyahoga Falls, OH 44221

Citation 1 Item 1 d

29 CFR 1910.134(k)(1): The employer did not provide effective training that covered the required elements in 1910.134(k)(1)(i) through 1910.134(k)(1)(vii):

On or about August 15, 2014, employees were required to wear respiratory protection while cleaning the shooting range. Employees had not received respiratory protection training in accordance with the standard.

Upon re-inspection, on or about November 25, 2015, the employer had yet to provide its employees with training on the proper fit, usage and maintenance of respirators. Employees were required to wear respiratory protection while engaged in cleaning activities such as cleaning the range and/or the trap.

Additional Penalty: \$ 0.00



Notification of Failure to Abate Alleged Violation

Original Inspection: 990237

Inspection Number: 1108541

Original Inspection Dates: 08/15/2014 - 03/14/2016

Inspection Date(s): 11/25/2015 - 03/14/2016

Issuance Date: 05/24/2016

Company Name: Pro Armament Company LLC.

Inspection Site: 2427 Front Street, Cuyahoga Falls, OH 44221

Citation 1 Item 2 d

29 CFR 1910.1025(l)(1)(ii): The employer did not train each employee who is subject to exposure to lead at or above the action level, or for whom the possibility of skin or eye irritation exists, in accordance with the requirements of 29 CFR 1910.1025:

On or about August 15, 2014, company employees were exposed to lead while cleaning the shooting range, working in the store, and using the break room. Employees have not received training on the hazards of lead.

Upon re-inspection on or about November 25, 2015, the employer had yet to provide its employees with training on the hazards of lead in accordance to the requirements listed in sections 1910.1025(l)(1)(v)(A)-(D). Employees were exposed to lead during activities such as cleaning the shooting range, working in the store and using the break room.

Additional Penalty:

\$ 84000.00



Notification of Failure to Abate Alleged Violation

Original Inspection: 990237

Inspection Number: 1108541

Original Inspection Dates: 08/15/2014 - 03/14/2016

Inspection Date(s): 11/25/2015 - 03/14/2016

Issuance Date: 05/24/2016

Company Name: Pro Armament Company LLC.

Inspection Site: 2427 Front Street, Cuyahoga Falls, OH 44221

Citation 1 Item 2 e

29 CFR 1910.1025(m)(1)(i): The employer did not comply with all of the requirements of the Hazard Communication Standard (HCS) (1910.1200) for lead:

On or about August 15, 2014, the employer did not develop and implement a hazard communication program that included the hazards associated with lead for employees exposed to lead while cleaning the gun range.

Upon re-inspection on or about November 25, 2015, the employer had yet to develop and implement a hazard communication program that included the hazards associated with lead. Employees were exposed to lead during activities such as cleaning the shooting range.

Additional Penalty:

\$ 0.00

A handwritten signature in black ink, appearing to read "Howard B Eberts", is written over a horizontal line.

Howard B Eberts
Area Director

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



INVOICE / DEBT COLLECTION NOTICE

Company Name: Pro Armament Company LLC.
Inspection Site: 2427 Front Street, Cuyahoga Falls, OH 44221
Issuance Date: 05/24/2016

Summary of Additional Penalties for Inspection Number 990237
Follow-up Inspection Number 1108541

TOTAL ADDITIONAL PROPOSED PENALTIES \$ 168000.00

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 full amount due, and will process the payments 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 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 to 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 occurring 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.



for **Howard B Eberts**
Area Director

5/23/16
Date