

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



06/10/2016

Soundwich Inc.
881 Wayside Rd.
Cleveland, OH 44110

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



Citation and Notification of Penalty

To:
Soundwich Inc.
and its successors
881 Wayside Rd.
Cleveland, OH 44110

Inspection Number: 1139012
Inspection Date(s): 04/11/2016 - 04/11/2016
Issuance Date: 06/10/2016

Inspection Site:
881 Wayside Rd.
Cleveland, OH 44110

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 06/10/2016. 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

Inspection Number: 1139012

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110
Issuance Date: 06/10/2016

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.

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: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

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

29 CFR 1910.22(a)(2): Floor(s) of workroom(s) were not maintained in a clean and, so far as possible, a dry condition:

On and before April 11, 2016, employees were exposed to an oily and slippery walking/working surface. The #6 Danly 800 ton mechanical power press and the #14 Danly 600 ton mechanical power press had elevated work floors as decking for the operators. The metal decking had a film of oil covering the entire flooring surface.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/30/2016
Proposed Penalty:	\$3000.00



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

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

29 CFR 1910.23(a)(2): Ladderway floor opening(s) or platform(s) were not guarded by a standard railing with standard toeboard(s) on all exposed sides (except at the entrance to opening) with passage through the railing either provided with a swinging gate or so offset that a person could not walk directly into the opening:

On and before April 11, 2016, employees were exposed to a fall hazard, in that, an elevated platform 55 inches above the work floor with a vertical ladder opening did not have a swing gate and was not offset.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/30/2016
Proposed Penalty:	\$5000.00

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

Inspection Number: 1139012
Inspection Date(s): 04/11/2016 - 04/11/2016
Issuance Date: 06/10/2016



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

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

29 CFR 1910.23(a)(8): Every floor hole into which persons can accidentally walk were not guarded:

On and before April 11, 2016, employees were exposed to a trip/fall hazard at the uncoiler area of #6 press, next to the electrical panels. There was a floor hole opening that was 3 inches wide by 13 inches long at 7 inches deep. The steel grating over the floor hole opening was damaged and bent upward creating the open floor hole.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/20/2016
Proposed Penalty:	\$3000.00

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: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

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

29 CFR 1910.23(e)(1): Standard railing(s) did not consist of top rail, intermediate rail and/or posts and/or did not have a vertical height of 42 inches (106.7 cm) nominal from upper surface of top rail to floor, platform runway, or ramp level:

On and before April 11, 2016, employees were exposed to a fall hazard, in that, an elevated platform had a top handrail that was 39 inches above the platform flooring. The elevated platform is for transferring lubrication oil from a portable liquid-bin into a large stationary cylindrical tank that provides the lubrication for the #1 and #6 mechanical power presses.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/30/2016
Proposed Penalty:	\$5000.00



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

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

29 CFR 1910.27(f): All ladders were not maintained in a safe condition. All ladders were not inspected regularly, with the intervals between inspections being determined by use and exposure:

On and before April 11, 2016, employees were exposed to a fall hazard, in that, an elevated platform had a vertical ladder with 6 inches of steel flat stock welded to the side rails of the ladder for extending the ladder side rails to the work floor. One of the extensions was bent and did not extend to the work floor.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/30/2016
Proposed Penalty:	\$4000.00



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

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

29 CFR 1910.146(c)(4): When the employer decided that its employees would enter permit spaces, the employer did not develop and implement a written permit space entry program that complied with 29 CFR 1910.146:

On and before April 11, 2016, the employer did not have a permit required confined space program. Employees were exposed to an engulfment hazard, in that, while servicing the mixer/agitator that extends down into the oil in the lubrication system container, employees had to lean over the top handrail and break the plane of the container opening with potential to fall into the 5 foot diameter 4.5 foot deep container that was labeled "Danger, Confined Space, Do Not Enter".

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/30/2016
Proposed Penalty:	\$5000.00



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

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 7 a Type of Violation: **Serious**

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

On and before April 11, 2016, the portable fire extinguisher at press 14 was not mounted or properly located and identified. The fire extinguisher was on the southwest side of the steps, on the floor between the steps and an electrical panel.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/20/2016
Proposed Penalty:	\$5000.00



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

Citation 1 Item 7 b Type of Violation: **Serious**

29 CFR 1910.157(e)(2): Portable fire extinguishers were not visually inspected at least monthly:

On and before April 11, 2016, the portable fire extinguisher at column C 4 near #6 press and the portable fire extinguishers at #1 press and #14 press were not marked as monthly inspected during 2015 and 2016.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 06/20/2016



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.217(c)(2)(i)(a): Point of operation guard(s) on mechanical power press(es) did not prevent entry of hands or fingers into the point of operation by reaching through, over, under or around the guard(s):

On and before April 11, 2016, the horizontal light curtain safeguarding at the part revolution mechanical power presses numbers 2, 4 and 14 were not adequate, in that, the openings at the bottoms and the tops would allow employee access to the dies and guide posts without activating the safeguarding.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/30/2016
Proposed Penalty:	\$5000.00

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

Inspection Number: 1139012
Inspection Date(s): 04/11/2016 - 04/11/2016
Issuance Date: 06/10/2016



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i.:

On and before April 11, 2016, the compressed air being used for cleaning at the #14 Danly 600 ton mechanical power press was being operated at 90 psi.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/20/2016
Proposed Penalty:	\$4000.00

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: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.303(b)(7)(iv): Electric equipment had damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating:

On and before April 11, 2016, there were damaged and inoperable lockout disconnects at the feeder control panel for the #6 Danly 800 ton mechanical power press and the operator control panel at the #2 Janan 400 ton mechanical power press.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/30/2016
Proposed Penalty:	\$4000.00



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.305(b)(2)(i): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

On and before April 11, 2016, there was an electrical junction box at column C - 4 that was missing a cover plate and there was an electrical junction elbow at the side of the south step for the operator deck of the #14 Danly press that was missing a cover plate.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/20/2016
Proposed Penalty:	\$4000.00



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.1200(f)(6)(i): Except as provided in 29 CFR 1910.1200(f)(7) and 29 CFR 1910.1200(f)(8), the employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the information required by 29 CFR 1910.1200(f)(1)(i) through 29 CFR 1910.1200(f)(1)(v):

On and before April 11, 2016, the employer did not ensure that the label for a lubrication system container was legible. The lube system container is located at the south wall and feeds the #1 Warco, and #6 Danly presses.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 06/20/2016
Proposed Penalty: \$0.00


 **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: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110
Issuance Date: 06/10/2016

Summary of Penalties for Inspection Number	1139012
Citation 1, Serious	\$47000.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$47000.00

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.



Howard B Eberts
Area Director

6/10/16
Date

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



06/10/2016

Soundwich Inc.
881 Wayside Rd.
Cleveland, OH 44110

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.

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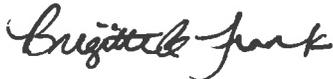
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Sincerely,



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



Citation and Notification of Penalty

To:
Soundwich Inc.
and its successors
881 Wayside Rd.
Cleveland, OH 44110

Inspection Number: 1119019
Inspection Date(s): 01/20/2016 - 04/11/2016
Issuance Date: 06/10/2016

Inspection Site:
881 Wayside Rd.
Cleveland, OH 44110

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.

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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 06/10/2016. 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

Inspection Number: 1119019

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110
Issuance Date: 06/10/2016

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.

Signature

Typed or Printed Name

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



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

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

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch:

On or about January 20, 2016, employees were exposed to a Baldor abrasive wheel bench grinder in the maintenance area that did not have a periphery guard and had an opening of 5/16 of an inch.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$4000.00



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

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

29 CFR 1910.217(b)(7)(v)(a): Each two-hand control for single stroke operations on mechanical power press(es) using part revolution clutches was not protected against unintended operation:

On or about January 20, 2016, employees were operating the 200 ton Federal mechanical power press that was marked number 12. There were two hand controls on each side that were not protected against unintentional activation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/30/2016
Proposed Penalty:	\$3000.00



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

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

29 CFR 1910.217(c)(1)(i): The employer did not provide and ensure the usage of point of operation guards or properly applied point of operation devices on every operation performed on mechanical power press(es):

1. On or about January 20, 2016, employees were exposed to the 24 inch square side openings of stamping presses number 12 and 13. The two Federal 200 ton mechanical powered presses had side openings that were not guarded.
2. On or about April 11, 2016, employees were exposed to the 29 inch square opening on the east side of stamping press number 1. The Warco 600 ton mechanical powered press side opening was not guarded.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/30/2016
Proposed Penalty:	\$5000.00



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

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 1910.255(b)(4): All press welding machine operations, where there was a possibility of the operator's fingers being under the point of operation, were not effectively guarded by use of a device such as an electronic eye safety circuit, two hand control:

On or about January 20, 2016, The spot welder next to the upender had an approximate opening of 1/2 inch between the spot welding tips and the tips were not guarded.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/20/2016
Proposed Penalty:	\$5000.00

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

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

Inspection Number: 1119019
Inspection Date(s): 01/20/2016 - 04/11/2016
Issuance Date: 06/10/2016



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

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

29 CFR 1910.255(b)(6): All foot switches were not guarded to prevent accidental operation of the machine:

On or about January 20, 2016, the spot welder next to the upender had a foot pedal control that was not protected against unintentional activation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/20/2016

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: Soundwich Inc.

Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

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

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:

1. On or about January 20, 2016, employees were exposed to the Enco vertical drill press in the maintenance area that did not have rotating chuck guarding.
2. On or about January 20, 2016, employees were exposed to the Wilton horizontal bandsaw that had 10 inches of the unused portion of the saw blade that was not guarded.
3. On or about January 20, 2016, employees were exposed to rotating parts and ingoing nip points at the #8 Bliss and the #14 Danly stamping press lines. The progressive cells from the uncoilers to the tensioner rollers leading to the stamping presses were not guarded at the sides of the cells or at the backside of the uncoilers.
4. On or about April 11, 2016, employees were exposed to rotating parts and ingoing nip points at the #2 Jinan, #4 Verson, #6 Danly, and #14 Danly presses. The progressive cells from the uncoilers to the tensioner rollers leading to the stamping presses were not guarded at the sides of the cells or at the backside of the uncoilers.

SOUNDWICH INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR IT'S EQUIVALENT STANDARD 29 CFR 1910.212(a)(1), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 997666, CITATION NUMBER 2, ITEM NUMBER 1, AND WAS AFFIRMED AS A FINAL ORDER ON DECEMBER 11, 2014, WITH RESPECT TO A WORKPLACE LOCATED AT 881 WAYSIDE ROAD, CLEVELAND, OHIO 44110.

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

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

Inspection Number: 1119019
Inspection Date(s): 01/20/2016 - 04/11/2016
Issuance Date: 06/10/2016



Citation and Notification of Penalty

Company Name: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/15/2016
Proposed Penalty: \$25000.00

Brigitte A. Frank

H.B. **Howard B Eberts**
Area Director

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

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: Soundwich Inc.
Inspection Site: 881 Wayside Rd., Cleveland, OH 44110
Issuance Date: 06/10/2016

Summary of Penalties for Inspection Number	1119019
Citation 1, Serious	\$17000.00
Citation 2, Repeat	\$25000.00
TOTAL PROPOSED PENALTIES	\$42000.00

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.



 **Howard B Eberts**
Area Director

6/10/16

Date