

U.S. Department of Labor
Occupational Safety and Health Administration
420 Madison Ave
Suite 600
Toledo, OH 43604
Phone: 419-259-7542 Fax: 419-259-6355



Citation and Notification of Penalty

To:
Railtech Boutet, Inc.
and its successors
P.O. Box 69
Napoleon, OH 43545

Inspection Number: 1163028
Inspection Date(s): 07/19/2016 - 10/12/2016
Issuance Date: 10/26/2016

Inspection Site:
25 Independence Dr.
Napoleon, OH 43545

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:

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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 10/26/2016. The conference will be held by telephone or at the OSHA office located at 420 Madison Ave, Suite 600, Toledo, OH 43604 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1163028

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545
Issuance Date: 10/26/2016

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, 420 Madison Ave, Suite 600, Toledo, OH 43604**

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

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

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

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

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

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

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

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

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

Inspection Number: 1163028
Inspection Date(s): 07/19/2016 - 10/12/2016
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Citation and Notification of Penalty

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

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:

a. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, the employer did not ensure that the work floor and walk-way between the sinks and packing machine was maintained in so far as possible a dry condition. The floor presented a water accumulation during heavy rain events and from an air dryer's condensation, which exposed employees to slip and fall hazards.

In accordance with 29 CFR 1903.19(d), 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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/29/2016
Proposed Penalty:	\$3,741.00

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: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

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 walk directly into the opening:

- a. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, the employer did not ensure that ladderway floor openings, located on the elevated platform to access the packing mixers, were guarded to protect employees from fall hazards of approximately seven feet.
- b. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, the employer did not ensure that ladderway floor openings, located on the catwalk used to access the core mixers, were guarded to protect employees from fall hazards of approximately seven feet.

In accordance with 29 CFR 1903.19(d), 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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/08/2016
Proposed Penalty:	\$8,730.00



Citation and Notification of Penalty

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

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

29 CFR 1910.23(c)(3): Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards were not guarded with a standard railing and toe board:

a. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, the employer did not ensure that employees were protected against caught-by or crushing injuries in that a walkway adjacent to the packing mixers was not equipped with a standard guardrail to protect employees from fall hazards to the mixers' hopper.

b. Railtech Boutet, Inc. - Napoleon, Ohio: On or about August 9, 2016, the employer did not ensure that the walkway adjacent to the hopper openings, located on the mezzanine in the crucible building, were equipped with a standard guardrail to protect employees from fall hazards to the hoppers.

In accordance with 29 CFR 1903.19(d), 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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/08/2016
Proposed Penalty:	\$6,236.00



Citation and Notification of Penalty

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

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

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

- a. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, employees operating the Zwangsmischer mixer machine, located on the east side of mixing platform, were exposed to injuries from the machine's rotating parts. The machine was not adequately guarded in that employees were not prevented from accessing the hazard area during operation.
- b. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, employees operating the Zwangsmischer mixer machine, located on the west side of mixing platform, were exposed to injuries from the machine's rotating parts. The machine was not adequately guarded in that employees were not prevented from accessing the hazard area during operation.
- c. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, employees operating the packing mixer machine, located on the east side of packing platform, were exposed to injuries from the machine's rotating parts. The machine was not adequately guarded in that employees were not prevented from accessing the hazard area during operation.
- d. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, employees operating the mixer machine, located on the west side of packing platform, were exposed to injuries from the machine's rotating parts. The machine was not adequately guarded in that employees were not prevented from accessing the hazard area during operation.
- e. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, employees were exposed to rotating parts and pinch point hazards in that the Dobby packaging machine (model Mustang I; s/n 93-15531) was not adequately guarded.

In accordance with 29 CFR 1903.19(d), 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



Citation and Notification of Penalty

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 11/04/2016
Proposed Penalty: \$8,730.00

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 5 a Type of Violation: Serious

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

- a. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, the employer did not ensure that an unused opening in electrical sub panel #2, located on the east wall, was closed. Employees that accessed the panel to control power for the core mixers and dust collector were exposed to electrical hazards.
- b. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, the employer did not ensure that unused openings in electrical sub panel A located on the east wall, were closed. Employees that accessed the panel to control power for equipment such as the oven and air compressor were exposed to electrical hazards.
- c. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, the employer did not ensure that an unused opening in electrical sub panel #5, located on the east wall, was closed. Employees that accessed the panel to control power for equipment such as the building lights and core machines were exposed to electrical hazards.

In accordance with 29 CFR 1903.19(d), 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



Citation and Notification of Penalty

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 11/21/2016
Proposed Penalty: \$4,988.00

Citation 1 Item 5 b 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:

a. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, employees were exposed to electrical hazards in that the employer did not ensure that a 240 volt control junction box on the core mixer, located on the east side of the mixer mezzanine, was provided with a cover:

In accordance with 29 CFR 1903.19(d), 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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 11/21/2016



Citation and Notification of Penalty

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

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

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source and rendered inoperative:

- a. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 16, 2016, the employer failed to develop and implement an energy control program that includes training, written procedures, and audits to protect employees who repaired the paddles of the B packing mixer. Employees were exposed to the unexpected startup of the mixer's rotating parts while working to replace the mixer's paddles during a time the machine was not locked out.
- b. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 18, 2016, the employer failed to develop and implement an energy control program that includes training, written procedures, and audits to protect employees who maintained the packing mixers. Employees were exposed to the unexpected startup of the mixer's rotating parts while cleaning it during a time the machine was not locked out.
- c. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, the employer failed to develop and implement an energy control program that includes training, written procedures, and audits to protect employees who maintained the paste machine. Employees were exposed to the unexpected startup of the paste machine's rotating auger while cleaning it during a time it was not locked out.
- d. Railtech Boutet, Inc. - Napoleon, Ohio: On or about July 19, 2016, the employer failed to develop and implement an energy control program that includes training, written procedures, and audits to protect employees who maintained the core mixers. Employees were exposed to the unexpected startup of the mixer's rotating parts while cleaning during a time the machine was not locked out.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition,

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

Inspection Number: 1163028
Inspection Date(s): 07/19/2016 - 10/12/2016
Issuance Date: 10/26/2016



Citation and Notification of Penalty

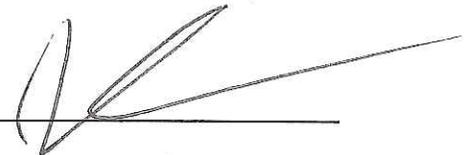
Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/08/2016
\$87,296.00



Kimberly Nelson
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
420 Madison Ave
Suite 600
Toledo, OH 43604
Phone: 419-259-7542 Fax: 419-259-6355



INVOICE / DEBT COLLECTION NOTICE

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545
Issuance Date: 10/26/2016

Summary of Penalties for Inspection Number	1163028
Citation 1, Serious	\$32,425.00
Citation 2, Willful	\$87,296.00
TOTAL PROPOSED PENALTIES	\$119,721.00

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.

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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

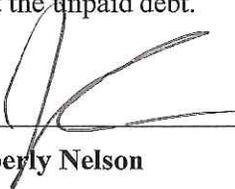
account, the bank will attempt to make the transfer up to 2 times.

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.



Kimberly Nelson
Area Director

6/26/16

Date

U.S. Department of Labor
Occupational Safety and Health Administration
420 Madison Ave
Suite 600
Toledo, OH 43604
Phone: 419-259-7542 Fax: 419-259-6355



Citation and Notification of Penalty

To:
Railtech Boutet, Inc.
and its successors
25 Interstate Drive, P.O. Box 69
Napoleon, OH 43545

Inspection Number: 1163051
Inspection Date(s): 07/19/2016 - 07/19/2016
Issuance Date: 10/26/2016

Inspection Site:
25 Independence Dr.
Napoleon, OH 43545

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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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 10/26/2016. The conference will be held by telephone or at the OSHA office located at 420 Madison Ave, Suite 600, Toledo, OH 43604 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1163051

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545
Issuance Date: 10/26/2016

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, 420 Madison Ave, Suite 600, Toledo, OH 43604**

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

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

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

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

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

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

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

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

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

Inspection Number: 1163051
Inspection Date(s): 07/19/2016 - 07/19/2016
Issuance Date: 10/26/2016



Citation and Notification of Penalty

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

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

29 CFR 1910.95(c)(1): The employer did not administer a continuing, effective hearing conservation program as described in 29 CFR 1910.9(c) through (o) whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level of 85 decibels measured on the A scale, or equivalently a dose of fifty percent:

a) Railtech Boutet, Inc.; 25 Interstate Drive; Napoleon, OH on or about July 19, 2016, employees were exposed to hazardous noise levels of 91.8 decibels while working on core machines. Excessive noise exposure can cause premature permanent hearing loss.

In accordance with 29 CFR 1903.19(d), 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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/13/2016
Proposed Penalty:	\$8,730.00

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: 1163051
Inspection Date(s): 07/19/2016 - 07/19/2016
Issuance Date: 10/26/2016



Citation and Notification of Penalty

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

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

29 CFR 1910.106(e)(2)(ii)(b): The quantity of liquid that may be located outside of an inside storage room or storage cabinet in a building or in any one fire area of a building shall not exceed 25 gallons of Category 1 flammable liquids in containers:

a) Railtech Boutet, Inc.; 25 Interstate Drive; Napoleon, OH on or about July 19, 2016 employees were exposed to a fire hazard. Employees working in the Crucible building were exposed to a fire hazard from approximately 1,430 gallons of Betacure improperly stored inside the building.

In accordance with 29 CFR 1903.19(d), 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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/14/2016
Proposed Penalty:	\$6,236.00

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: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

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

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

a) Railtech Boutet, Inc. 25 Interstate Drive; Napoleon; OH on or about July 19, 2016 employees were exposed to a liquid corrosive chemical hazard without the use of appropriate eye or face protection. Employees working in the Crucible building were exposed to Betaset, which contained 30% potassium hydroxide and had a pH of 12.2, without utilizing personal protective equipment that protected the eyes or face.

In accordance with 29 CFR 1903.19(d), 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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/14/2016
Proposed Penalty:	\$6,236.00

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

Inspection Number: 1163051
Inspection Date(s): 07/19/2016 - 07/19/2016
Issuance Date: 10/26/2016



Citation and Notification of Penalty

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

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

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace; including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminant's chemical state and physical form:

a) Railtech Boutet, Inc.; 25 Interstate Drive; Napoleon, OH on or about July 19, 2016 the employer did not identify and evaluate the respiratory hazard in the workplace. Employees, working on the production floor, were exposed to respirable silica dust which can cause adverse health effects, such as but not limited to, silicosis.

In accordance with 29 CFR 1903.19(d), 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, or written records.

Date By Which Violation Must be Abated: 12/13/2016
Proposed Penalty: \$6,236.00

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: 1163051
Inspection Date(s): 07/19/2016 - 07/19/2016
Issuance Date: 10/26/2016



Citation and Notification of Penalty

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

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

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

a) Railtech Boutet, Inc.; 25 Interstate Drive; Napoleon, OH on or about July 19, 2016, employees were exposed to a corrosive chemical hazard. Employees working in the Crucible building were exposed to Betaset, which contained 30% potassium hydroxide and had a pH of 12.2, without access to facilities for the quick drenching or flushing of the eye and body.

In accordance with 29 CFR 1903.19(d), 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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/13/2016
Proposed Penalty:	\$6,236.00

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: 1163051
Inspection Date(s): 07/19/2016 - 07/19/2016
Issuance Date: 10/26/2016



Citation and Notification of Penalty

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

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 6 a Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

a) Railtech Boutet, Inc.; 25 Interstate Drive; Napoleon, OH on or about July 19, 2016 the employer did not develop a written hazard communication program for employees who were exposed to respirable silica dust which can cause adverse health effects, such as but not limited to, silicosis.

In accordance with 29 CFR 1903.19(d), 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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 11/14/2016
Proposed Penalty: \$6,236.00

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: 1163051
Inspection Date(s): 07/19/2016 - 07/19/2016
Issuance Date: 10/26/2016



Citation and Notification of Penalty

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

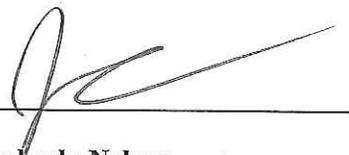
a) Railtech Boutet, Inc.; 25 Interstate Drive; Napoleon, OH on or about July 19, 2016 the employer did not train employees on hazardous chemicals in the workplace. Employees are exposed to respirable silica dust which can cause adverse health effects, such as but not limited to, silicosis.

In accordance with 29 CFR 1903.19(d), 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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/13/2016



Kimberly Nelson
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
420 Madison Ave
Suite 600
Toledo, OH 43604
Phone: 419-259-7542 Fax: 419-259-6355



INVOICE / DEBT COLLECTION NOTICE

Company Name: Railtech Boutet, Inc.
Inspection Site: 25 Independence Dr., Napoleon, OH 43545
Issuance Date: 10/26/2016

Summary of Penalties for Inspection Number	1163051
Citation 1, Serious	\$39,910.00
TOTAL PROPOSED PENALTIES	\$39,910.00

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.

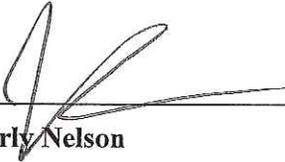
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.



Kimberly Nelson
Area Director

10/26/2016
Date