

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

## Citation and Notification of Penalty

**To:**  
MAGNA SEATING OF AMERICA, dba Excelsior  
Springs Seating Systems  
301 S MCCLEARY ROAD  
Excelsior Springs, MO 64024

**Inspection Number:** 1148073  
**Inspection Date(s):** 05/17/2016 - 05/17/2016  
**Issuance Date:** 11/10/2016

**Inspection Site:**  
301 S MCCLEARY ROAD  
Excelsior Springs, MO 64024

*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](http://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](http://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 11/10/2016. The conference will be held by telephone or at the OSHA office located at 2300 Main Street, Suite 168, Kansas City, MO 64108 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1148073**

Company Name: MAGNA SEATING OF AMERICA, dba Excelsior Springs Seating Systems  
Inspection Site: 301 S MCCLEARY ROAD, Excelsior Springs, MO 64024  
Issuance Date: 11/10/2016

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, 2300 Main Street, Suite 168, Kansas City, MO 64108**

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

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

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

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

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

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

**Citation and Notification of Penalty**

**Company Name:** MAGNA SEATING OF AMERICA, dba Excelsior Springs Seating Systems  
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**Citation 1 Item 1** Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees:

On or about May 17, 2016 at times prior to and since, the employer is exposing employees in the Front and Rear Cell area to the hazards of developing musculoskeletal disorders (MSDs) while performing prolonged repetitive movements, awkward working postures, high perceived force applications, wrist deviations, or repeated/continued use of a specific body part of the upper extremities.

This was most recently observed at the plant located at 301 South McCleary Road, Excelsior Springs, Missouri 64024. The following listing includes but is not limited to examples of jobs observed to have hazards which may develop musculoskeletal disorders:

- a) Cell 1040A-D: On or about May 17, 2016 and at times prior and since, employees using Stanley hog ring guns to attach foam to frame covers, complete close out, and placing covers over the foam, are exposing employees to forceful exertions. Inserting the hog rings results in awkward postures as well as extended reaches for extended periods of time exposing employees to ergonomic stressors causing MSDs.
- b) Cell 6130: On or about May 17, 2016 and at times prior and since, employees closing the rear seat back covers and steaming seats surfaces requires forceful exertions, awkward postures as well as extended reaches for prolonged periods of time exposing employees to ergonomic stressors causing MSDs.
- c) Cell 6055 (6056): On or about May 17, 2016 and at times prior and since, employees using Stanley hog ring guns on the rear seat cushion top and bottom requires forceful exertions. Inserting the hog rings results in awkward postures for extended periods of time exposing employees to ergonomic stressors causing MSDs.
- d) Cell 6080 (6081): On or about May 17, 2016 and at times prior and since, employees rolling trim over the seat and finessing the cover over the foam requires forceful exertion and awkward posture for

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extended periods of time exposing employees to ergonomic stressors causing MSDs.

#### Recommendations for Abatement:

While some ergonomic related risk factors can be reduced or eliminated by implementing a single means of abatement, in most cases a process that includes analysis of the worksite, medical management, training, education and participation of employees (in both recognition of injury and avoidance of injury), procedural and engineering controls, and hazard prevention and control will provide the most effective method of addressing the factors. Examples of such measures include, but are not limited to the following:

#### Engineering Controls

Evaluate and implement alternative hog ring guns that would reduce the force necessary to initiate.

Evaluate and implement positioners that allow employees to make quick adjustments in multiple planes to quickly adjust the seat orientation. Include a place for the hog ring gun to be attached to the positioners while not in use.

Evaluate and implement mechanical methods to compress seat foam for Trim Close-Out tasks.

Evaluate and implement adjustable-height platforms along conveyor assembly lines to reduce extended reaches.

Evaluate and implement additional steam trim warmers, to ensure that trim is fully warmed before the skinning step in the seat building process. This will make the trim more pliable and reduce the amount of force needed to attach the trim to the frame.

#### Administrative Controls

Evaluate and implement rotations within the Front and Rear Cells based on the results from the Strain Index or another assessment tool to eliminate or reduce to the extent feasible employees rotating to positions with similar muscle and tool use.

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Evaluate and implement a comfort survey as one method for identifying areas or jobs where potential MSD problems exist. The major strength of the survey approach is in collecting data on the number of workers that may be experiencing some form of MSD. This often is achieved through comfort surveys, in which individuals are asked to indicate any discomfort or soreness they experience, around a body part, and its magnitude. Reported pain symptoms by several workers on a specific job would indicate the need for further investigation of that job.

Provide and implement training for all employees on proper techniques to perform each task on the line for their specific rotation. Train employees on the use and benefit existing adjustable workstations.

Ensure that employees provide feedback on ergonomic program changes especially any changes to the cell tasks and rotations.

#### **Ergonomic Program**

Provide an ergonomic assessment, by a certified professional ergonomist of the workstations and tasks included in Front and Rear rotations. The ergonomist, or other qualified professional, shall provide a job hazard analysis and recommendations for reducing or eliminating ergonomic risk factors from the work of the employees performing repetitive hand activity or use of the hog ring gun. The company must implement controls to eliminate the hazard or reduce the hazard to acceptable levels (e.g. job strain index). The ergonomics assessment should be repeated whenever conditions change (i.e. new layout, new product, new equipment or hand tools, or reported MSD injury or illness).

Have a certified professional ergonomist, or other competent person, review the ergonomics training to ensure its effectiveness.

Provide more decision authority to the participatory ergonomics team. The team should be responsible for implementing and sustaining the ergonomics program. The composition of the team should be multi-disciplinary, including at least four hourly employees, union representation, plant management, engineering, maintenance, medical and safety. The multi-disciplinary composition will facilitate problem solving and implementation since all of the key people are on the team. The team will solicit employee suggestions and follow-up on resolution to the suggestions. The team will provide input to changes in layout and hand tool selection. Team leadership and management support are key to

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reducing hazards and MSD injuries.

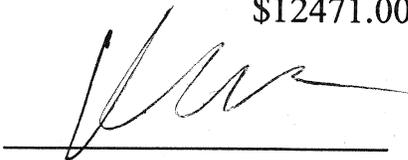
An outside expert in medical management protocols should review the medical management protocols for treating musculoskeletal injuries and education for employees on early reporting. The review of the protocol must include recommendations for alternate duty for employees who report musculoskeletal pain. The expert should conduct initial plant healthcare provided training and follow-up training. The expert should provide an annual review of trends in the injury log and symptoms reports. The expert should recommend changes in the protocol based on the trends.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/30/2016  
\$12471.00



**Karena Lorek**  
Area Director

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

**INVOICE /  
DEBT COLLECTION NOTICE**

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**Issuance Date:** 11/10/2016

<b>Summary of Penalties for Inspection Number</b>	<b>1148073</b>
<b>Citation 1, Serious</b>	<b>\$12471.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$12471.00</b>

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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](http://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.

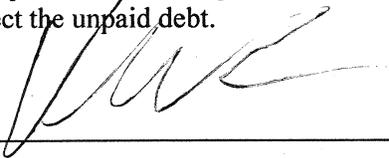
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



**Karena Lorek**  
Area Director

11/10/2016

Date