

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
420 Madison Ave  
Suite 600  
Toledo, OH 43604



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## Citation and Notification of Penalty

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**To:**  
NOX US, LLC  
and its successors  
931 South Springville Avenue  
Fostoria, OH 44830

**Inspection Number:** 1419279  
**Inspection Date(s):** 07/30/2019 - 07/30/2019  
**Issuance Date:** 01/10/2020

**Inspection Site:**  
931 South Springville Avenue  
Fostoria, OH 44830

*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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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 by calling 419-259-7542. 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 01/10/2020. 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: 1419279**

Company Name: NOX US, LLC  
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830  
Issuance Date: 01/10/2020

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



**Citation and Notification of Penalty**

**Company Name:** NOX US, LLC  
**Inspection Site:** 931 South Springville Avenue, Fostoria, OH 44830

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

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

29 CFR 1910.132(d)(1)(i): When the employer had assessed the workplace hazard(s) and determined that hazard(s) were present, the employer did not select and/or use the types of personal protective equipment that would protect the affected employee.

Nox US, LLC - Fostoria, Ohio: On or about October 16, 2019, the employer did not perform an adequate hazard assessment to determine the proper protective equipment to be worn by employees who utilize Methyl Ethyl Ketone to clean rollers and/or the roller knife in the Lamination Line 1 pit area.

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:  
Proposed Penalty:

01/29/2020  
\$5,626.00



**Citation and Notification of Penalty**

**Company Name:** NOX US, LLC

**Inspection Site:** 931 South Springville Avenue, Fostoria, OH 44830

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

29 CFR 1910.138(a): The employer did not select and require employee(s) to use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasion; punctures; chemical burns; thermal burns; and harmful temperature extremes.

a. Nox US, LLC - Fostoria, Ohio: On or about October 16, 2019, the employer did not ensure that employees who used Methyl Ethyl Ketone wore adequate personal protective equipment for the hands. Employees that handled and used the chemical to clean rollers and/or the roller knife in the Lamination Line 1 pit area were exposed to skin irritations such as burning and rash.

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:

01/29/2020



**Citation and Notification of Penalty**

**Company Name:** NOX US, LLC

**Inspection Site:** 931 South Springville Avenue, Fostoria, OH 44830

**Citation 1 Item 2** 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) Nox US, LLC - Fostoria, Ohio: On or about July 30, 2019, the employer failed to ensure that employees who fed/thread the Lamination Line 2 by pulling material over through the line to the shear were protected from rotating parts and pinch points created by the line's heater boxes and rollers such as, but not limited to, conveyor rollers, pink rubber rollers, and lamination rollers.

b) Nox US, LLC - Fostoria, Ohio: On or about October 15, 2019, the employer failed to ensure the Box Machine rollers, located at L-1 Packing in the C-Cutter Room, were guarded to protect employees' fingers/hands from being caught in the rotating parts as they stacked parts on the rollers.

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:	01/24/2020
Proposed Penalty:	\$13,127.00



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

**Inspection Number:** 1419279  
**Inspection Date(s):** 07/30/2019 - 07/30/2019  
**Issuance Date:** 01/10/2020



**Citation and Notification of Penalty**

**Company Name:** NOX US, LLC

**Inspection Site:** 931 South Springville Avenue, Fostoria, OH 44830

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

29 CFR 1910.219(c)(4)(i): Unguarded projecting shaft end(s) did not present a smooth edge and end and projected more than one half the diameter of the shaft:

a) Nox US, LLC - Fostoria, Ohio: On or about October 16, 2019, a projecting shaft end in the Lamination Line 1 pit, located on an ink roller below the pink compression roller, exposed employees to caught-by hazards in that the rotating part was not 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 repair of the equipment, photographic or video evidence, or written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	01/29/2020
Proposed Penalty:	\$7,501.00

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:** 1419279  
**Inspection Date(s):** 07/30/2019 - 07/30/2019  
**Issuance Date:** 01/10/2020



**Citation and Notification of Penalty**

**Company Name:** NOX US, LLC  
**Inspection Site:** 931 South Springville Avenue, Fostoria, OH 44830

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

a) Nox US, LLC - Fostoria, Ohio: On or about July 23, 2019, employees were exposed to crushing, burn, and amputation injuries while unjamming material that wrapped around rollers on Lamination Line 2. The employer failed to develop and document procedures that would control hazardous energy sources of the equipment.

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:	01/17/2020
Proposed Penalty:	\$131,272.00

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:** NOX US, LLC

**Inspection Site:** 931 South Springville Avenue, Fostoria, OH 44830

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

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the actions listed in and was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6):

a) Nox US, LLC - Fostoria, Ohio: On or about July 23, 2019, employees were exposed to nip point and rotating part hazards in that Lamination Line 2 was not locked out prior to servicing tasks such as, but not limited to, unjamming material from rollers. The employer did not ensure that energy control application steps were implemented to control the machine's electrical/mechanical energy sources prior to the servicing tasks - the employer did not:

- Ensure employees had the method or means to control hazardous energy.
- Ensure that equipment was turned off or shut down.
- Physically operate energy isolating devices to control energy sources and affix lockout device(s).
- Verify that isolation and de-energization of the machine or equipment had been accomplished.

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:

01/17/2020

Proposed Penalty:

\$131,272.00



**Citation and Notification of Penalty**

**Company Name:** NOX US, LLC  
**Inspection Site:** 931 South Springville Avenue, Fostoria, OH 44830

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

29 CFR 1910.147(c)(7)(i): The employer did not provide adequate training to ensure that employees acquired the knowledge and skills required for the safe application, usage and removal of energy control devices:

a) Nox US, LLC - Fostoria, Ohio: On or about July 23, 2019, the employer did not ensure that employees who maintained Lamination Line 2 were trained in the skills required for the safe application, usage, and removal of energy controls. Employees that unjammed and cleaned material from a roller(s) were not trained to isolate and/or render energy sources safe.

Nox US, LLC was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.147(c)(7)(i), which was contained in OSHA inspection number 1248648, citation number 1, item number 2c and was affirmed as a final order on January 22, 2019, with respect to a workplace located at 931 S. Springville Ave., Fostoria, Ohio 44830.

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:	01/17/2020
Proposed Penalty:	\$26,255.00

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

**Inspection Number:** 1419279  
**Inspection Date(s):** 07/30/2019 - 07/30/2019  
**Issuance Date:** 01/10/2020



**Citation and Notification of Penalty**

**Company Name:** NOX US, LLC

**Inspection Site:** 931 South Springville Avenue, Fostoria, OH 44830

**Citation 4 Item 1** Type of Violation: **Other-than-Serious**

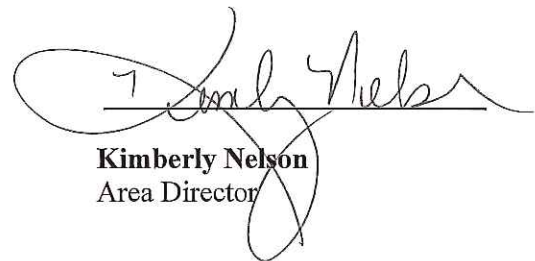
29 CFR 1904.40(a): The employer did not provide an authorized government representative the records within the four business hours.

a) Nox US, LLC - Fostoria, Ohio: On or about July 30, 2019, the employer did not provide OSHA 300 logs for calendar years 2017 through 2019 to the representative for the Secretary of Labor within four hours of the request for records.

No additional abatement information is needed for this item.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$1,876.00

  
**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



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** NOX US, LLC  
**Inspection Site:** 931 South Springville Avenue, Fostoria, OH 44830  
**Issuance Date:** 01/10/2020

<b>Summary of Penalties for Inspection Number</b>	<b>1419279</b>
<b>Citation 1, Serious</b>	<b>\$26,254.00</b>
<b>Citation 2, Willful</b>	<b>\$262,544.00</b>
<b>Citation 3, Repeat</b>	<b>\$26,255.00</b>
<b>Citation 4, Other-than-Serious</b>	<b>\$1,876.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$316,929.00</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

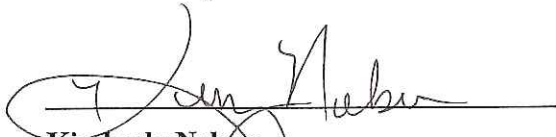
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

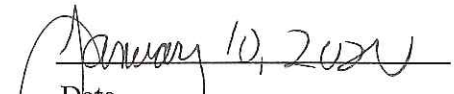
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts 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.

  
\_\_\_\_\_  
**Kimberly Nelson**  
Area Director

  
\_\_\_\_\_  
Date