

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



Citation and Notification of Penalty

To:
Boomerang Rubber, Inc.
and its successors
P.O. Box 538
Botkins, OH 45306

Inspection Number: 1456585
Inspection Date(s): 01/17/2020 - 02/20/2020
Issuance Date: 06/26/2020

Inspection Site:
105 Dinsmore Street
Botkins, OH 45306

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 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. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/26/2020. 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: 1456585

Company Name: Boomerang Rubber, Inc.
Inspection Site: 105 Dinsmore Street, Botkins, OH 45306
Issuance Date: 06/26/2020

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: Boomerang Rubber, Inc.
Inspection Site: 105 Dinsmore Street, Botkins, OH 45306

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

29 CFR 1910.147(c)(7)(i)(A): Authorized employee(s) did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation:

A) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: On or about January 17, 2020, the employer did not adequately train employees to lockout/tagout equipment such as, but not limited to, the Press 17 (built in house) located in the Building 3 Press Room. Employees did not control all hazardous energy sources such as, but not limited to, electrical and hydraulic before conducting activities such as, but not limited to, rebuilding the shuttle (replacing hooks with magnets) on the West side of the press. Employees were exposed to struck-by and caught-in-between hazards that could result in serious injuries.

No additional abatement information is needed for this item.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$13,359.00

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: Boomerang Rubber, Inc.
Inspection Site: 105 Dinsmore Street, Botkins, OH 45306

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) Boomerang Rubber, Inc., located at 215 South Mill Street, Botkins, OH 45306: On or about January 17, 2020, the employer did not ensure that one or more methods of machine guarding were provided to protect employees from moving parts such as, but not limited to, the rotating chuck of the Delta drill press (Model: 17-900; Serial # W9951) located in the Mill Street Building. Employees were exposed to struck-by, caught-by, and laceration hazards that could result in serious injuries while operating the Delta drill press.

B) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: On or about January 17, 2020, the employer did not ensure that one or more methods of machine guarding were provided to protect employees from moving parts such as, but not limited to, the rotating chuck of the 20" Dayton drill press (Model: 6W281G) located in the maintenance shop. Employees were exposed to struck-by, caught-by, and laceration hazards that could result in serious injuries while operating the 20" Dayton drill press.

No additional abatement information is needed for this item.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$13,359.00



Citation and Notification of Penalty

Company Name: Boomerang Rubber, Inc.
Inspection Site: 105 Dinsmore Street, Botkins, OH 45306

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

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

A) Boomerang Rubber, Inc., located at 105 215 South Mill Street, Botkins, OH 45306: On or about January 17, 2020, the employer did not ensure that the point of operation of the A.W.T. Accu-Print High-Tech Micro Semi-Automatic Screen Printing Press / Silk Screen (Model: APHT-2538M; Serial # 186274), located in the Mill Street Building, was adequately guarded. Employees were exposed to struck-by and caught-in-between hazards that could result in serious injuries while operating the Silk Screen.

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:	07/08/2020
Proposed Penalty:	\$13,359.00

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: Boomerang Rubber, Inc.
Inspection Site: 105 Dinsmore Street, Botkins, OH 45306

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

29 CFR 1910.219(c)(2)(i): All exposed part(s) of horizontal shafting seven (7) feet or less from floor or working platform were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

- A) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: On or about January 17, 2020, the employer did not ensure that the rotating horizontal shafts of the Belt 5 and the Belt 6, located on the Chop Line in Building 16, were enclosed in a stationary casing. Employees were exposed to caught-by and laceration hazards that could result in serious injuries.

- B) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: On or about January 17, 2020, the employer did not ensure that the rotating horizontal shafts of the Cross-over Conveyor, located on Slitter Assembly in Building 2, were enclosed in a stationary casing. Employees were exposed to caught-by and laceration hazards that could result in serious injuries.

- C) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: On or about January 17, 2020, the employer did not ensure that the rotating horizontal shafts of the Cross-over Conveyor, located on Slitter Assembly in Building 15, were enclosed in a stationary casing. Employees were exposed to caught-by and laceration hazards that could result in serious injuries.

No additional abatement information is needed for this item.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$11,450.00

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: Boomerang Rubber, Inc.
Inspection Site: 105 Dinsmore Street, Botkins, OH 45306

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

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

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

A) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: The employer does not develop and document specific procedures to control hazardous energy of the Press 17 (built in house) located in the Building 3 Press Room. Employees do not control all hazardous energy sources such as, but not limited to, electrical and hydraulic before conducting activities such as, but not limited to, rebuilding the shuttle (replacing hooks with magnets) on the West side of the press. Employees are exposed to struck-by and caught-in-between hazards that can result in serious injuries while all hazardous energy sources are not controlled prior to performing the task. This violation most recently occurred on or about January 17, 2020, at the above address.

Boomerang Rubber, Inc. was previously cited for a violation of an equivalent Occupational Safety and Health Standards (29 CFR 1910.147(c)(4)(ii)), which was contained in OSHA Inspection # 1368738, Citation number 1, Items number 1a, and was affirmed as a final order on 03/27/2019, with respect to a workplace located at 105 Dinsmore Street, Botkins, OH 45306.

Boomerang Rubber, Inc. was previously cited for a violation of this Occupational Safety and Health Standard (29 CFR 1910.147(c)(4)(i)), which was contained in OSHA Inspection # 107507, Citation number 2, Item number 1, and was affirmed as a final order on 12/19/2012, with respect to a workplace located at 105 Dinsmore Street, Botkins, OH 45306.

No additional abatement information is needed for this item.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$133,588.00

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: Boomerang Rubber, Inc.
Inspection Site: 105 Dinsmore Street, Botkins, OH 45306

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

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

A) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: The employer does not ensure that all the steps outlined in 29 CFR 1910.147(d), required for the control of the hazardous energy sources, are performed. Employees do not de-energize and lockout all hazardous energy sources of the Press 17 (built in house), located in the Building 3 Press Room, prior to conducting activities such as, but not limited to, rebuilding the shuttle (replacing hooks with magnets) on the West side of the press. Employees are exposed to struck-by and caught-in-between hazards that can result in serious injuries while performing this task. This violation most recently occurred on or about January 17, 2020, at the above address.

As a result, the remaining applicable energy control elements, involving machine isolation [1910.147(d)(3)], lock-out/tag-out device application [1910.147(d)(4)], dissipation of residual energy [1910.147(d)(5)], and verification of isolation [1910.147(d)(6)] are not implemented to protect employees from struck-by and caught-in-between hazards while employees are conducting activities such as, but not limited to, rebuilding the shuttle (replacing hooks with magnets) on the West side of the Press 17.

Boomerang Rubber, Inc. was previously cited for a violation of an equivalent Occupational Safety and Health Standards (29 CFR 1910.147(d)(2)), which was contained in OSHA Inspection # 1197736, Citation number 1, Items number 1, and was affirmed as a final order on 03/09/2017, with respect to a workplace located at 105 Dinsmore Street, Botkins, OH 45306.

Boomerang Rubber, Inc. was previously cited for a violation of an equivalent Occupational Safety and Health Standards (29 CFR 1910.147(d)(4)), which was contained in OSHA Inspection # 107507, Citation number 1, Item number 3c, and was affirmed as a final order on 12/19/2012, with respect to a workplace located at 105 Dinsmore Street, Botkins, OH 45306.

No additional abatement information is needed for this item.

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: 1456585
Inspection Date(s): 01/17/2020 - 02/20/2020
Issuance Date: 06/26/2020



Citation and Notification of Penalty

Company Name: Boomerang Rubber, Inc.
Inspection Site: 105 Dinsmore Street, Botkins, OH 45306

Date By Which Violation Must be Abated:

Corrected During Inspection

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: Boomerang Rubber, Inc.
Inspection Site: 105 Dinsmore Street, Botkins, OH 45306

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

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

29 CFR 1910.333(a): Safety-related work practices are not employed to prevent electric shock or other injuries resulting from either direct or indirect electrical contacts, when work is performed near or on equipment or circuits which are or can be energized:

- A) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: The employer does not ensure that employees use safe electrical work practices in order to be protected from electrical hazards such as, but not limited to, electric shock and arc flash. Employees are exposed to 480 volts electrical hazards while replacing electrical contacts at the forward starter inside the electrical panel for the West Line equipment located in the Building 2. This violation most recently occurred on or about January 2, 2020, at the above address.
- B) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: The employer does not ensure that employees use safe electrical work practices in order to be protected from electrical hazards such as, but not limited to, electric shock and arc flash. Employees are exposed to 480 volts electrical hazards while replacing electrical motor and the gear box at the Slitter Assembly for the North Line located in the Building 15. This violation most recently occurred on or about January 2, 2020, at the above address.
- C) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: The employer does not ensure that employees use safe electrical work practices in order to be protected from electrical hazards such as, but not limited to, electric shock and arc flash. Employees are exposed to 110 volts electrical hazards while conducting drive reset inside the electrical panel for the A.W.T. Accu-Print High-Tech Micro Semi-Automatic Screen Printing Press / Silk Screen (Model: APHT-2538M; Serial # 186274) located in the Mill Street Building. This violation most recently occurred on or about January 15, 2020, at the above address.
- D) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: The employer does not ensure that employees use safe electrical work practices in order to be protected from electrical

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: Boomerang Rubber, Inc.
Inspection Site: 105 Dinsmore Street, Botkins, OH 45306

hazards such as, but not limited to, electric shock and arc flash. Employees are exposed to 480 volts electrical hazards while replacing electrical motor at the Belt 6 for the North Line located in the Building 15. This violation most recently occurred on or about January 17, 2020, at the above address.

E) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: The employer does not ensure that employees use safe electrical work practices in order to be protected from electrical hazards such as, but not limited to, electric shock and arc flash. Employees are exposed to 240 volts electrical hazards while turning breakers off (inside the electrical panel) for the press and for the magnets on the West side of the Press 17 (built in house) located in the Building 3 Press Room. This violation most recently occurred on or about January 17, 2020, at the above address.

Boomerang Rubber, Inc. was previously cited for a violation of this Occupational Safety and Health Standard (29 CFR 1910.333(a)), which was contained in OSHA Inspection # 107944, Citation number 1, Item number 9b, and was affirmed as a final order on 01/30/2013, with respect to a workplace located at 105 Dinsmore Street, Botkins, OH 45306.

No additional abatement information is needed for this item.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$133,588.00

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: Boomerang Rubber, Inc.
Inspection Site: 105 Dinsmore Street, Botkins, OH 45306

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

29 CFR 1910.335(a)(1)(i): Employees working in areas where there are potential electrical hazards are not provided with electrical protective equipment that is appropriate for the specific parts of the body that needed to be protected and for the work being performed:

- A) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: The employer does not ensure that employees, conducting electrical work in the facility, are using proper electrical personal protective equipment for the hands, head, and body. Employees are exposed to 480 volts electrical hazards while replacing electrical contacts at the forward starter inside the electrical panel for the West Line equipment located in the Building 2. This violation most recently occurred on or about January 2, 2020 at the above address.
- B) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: The employer does not ensure that employees, conducting electrical work in the facility, are using proper electrical personal protective equipment for the hands, head, and body. Employees are exposed to 480 volts electrical hazards while replacing electrical motor and the gear box at the Slitter Blades Assembly for the North Line located in the Building 15. This violation most recently occurred on or about January 2, 2020 at the above address.
- C) Boomerang Rubber, Inc., located at 215 South Mill Street, Botkins, OH 45306: The employer does not ensure that employees, conducting electrical work in the facility, are using proper electrical personal protective equipment for the hands, head, and body. Employees are exposed to 110 volts electrical hazards while conducting drive reset inside the electrical panel for the A.W.T. Accu-Print High-Tech Micro Semi-Automatic Screen Printing Press / Silk Screen (Model: APHT-2538M; Serial # 186274) located in the Mill Street Building. This violation most recently occurred on or about January 15, 2020 at the above address.
- D) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: The employer does not ensure that employees, conducting electrical work in the facility, are using proper electrical personal protective equipment for the hands, head, and body. Employees are exposed to 480 volts electrical hazards while replacing electrical motor at the Belt 6 for the North Line located in the Building 15. This violation most recently occurred on or about January 17, 2020 at the above address.

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: Boomerang Rubber, Inc.
Inspection Site: 105 Dinsmore Street, Botkins, OH 45306

E) Boomerang Rubber, Inc., located at 105 Dinsmore Street, Botkins, OH 45306: The employer does not ensure that employees, conducting electrical work in the facility, are using proper electrical personal protective equipment for the hands, head, and body. Employees are exposed to 240 volts electrical hazards while turning breakers off (inside the electrical panel) for the press and for the magnets on the West side of the Press 17 (built in house) located in the Building 3 Press Room. This violation most recently occurred on or about January 17, 2020 at the above address.

Boomerang Rubber, Inc. was previously cited for violations of equivalent Occupational Safety and Health Standards (29 CFR 1910.335(a)(1)(iv) & 29 CFR 1926.335(a)(1)(v)), which were contained in OSHA Inspection # 910093, Citation number 1, Items number 2a & 2b, and were affirmed as a final order on 10/28/2013, with respect to a workplace located at 105 Dinsmore Street, Botkins, OH 45306.

Boomerang Rubber, Inc. was previously cited for a violation of this Occupational Safety and Health Standard (29 CFR 1910.335(a)(1)(i)), which was contained in OSHA Inspection # 107944, Citation number 1, Item number 9d, and was affirmed as a final order on 12/19/2012, with respect to a workplace located at 105 Dinsmore Street, Botkins, OH 45306.

Boomerang Rubber, Inc., as a successor in interest to Lotridge Enterprises, LLC was previously cited for a violation of this occupational safety and health standard (29 CFR 1910.335(a)(1)(i)), which was contained in OSHA Inspection # 311604953, Citation 1, Item number 12a, and was affirmed as a final order on 11/19/2008, with respect to a workplace located at 105 Dinsmore Street, Botkins, OH.

No additional abatement information is needed for this item.

Date By Which Violation Must be Abated:

Corrected During Inspection

A handwritten signature in cursive script, appearing to read "Darl Selft", written over a horizontal line.

For
Kimberly Nelson
Area Director

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



INVOICE / DEBT COLLECTION NOTICE

Company Name: Boomerang Rubber, Inc.
Inspection Site: 105 Dinsmore Street, Botkins, OH 45306
Issuance Date: 06/26/2020

Summary of Penalties for Inspection Number	1456585
Citation 1, Serious	\$51,527.00
Citation 2, Willful	\$267,176.00
TOTAL PROPOSED PENALTIES	\$318,703.00

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 two percent (2%). 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.



For
Kimberly Nelson

Area Director

06/26/2020

Date

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



Citation and Notification of Penalty

To:
Boomerang Rubber, Inc.
and its successors
P.O. Box 538
Botkins, OH 45306

Inspection Number: 1456542
Inspection Date(s): 01/17/2020 - 02/20/2020
Issuance Date: 06/26/2020

Inspection Site:
215 S. Mill St.
Botkins, OH 45306

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 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. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/26/2020. 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: 1456542

Company Name: Boomerang Rubber, Inc.
Inspection Site: 215 S. Mill St., Botkins, OH 45306
Issuance Date: 06/26/2020

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: Boomerang Rubber, Inc.
Inspection Site: 215 S. Mill St., Botkins, OH 45306

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

29 CFR 1910.1200(f)(6): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the information specified under paragraphs (f)(6)(i) through (ii) of this section:

a) On or about January 17, 2020, the employer did not ensure that containers stored in the chemical room in the silk screening area at the Mill Street location were properly labeled with the identity of the chemical, specifically Polybond 4988, which contains ethyl acetate.

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:	07/22/2020
Proposed Penalty:	\$5,783.00



Citation and Notification of Penalty

Company Name: Boomerang Rubber, Inc.
Inspection Site: 215 S. Mill St., Botkins, OH 45306

Citation 1 Item 2 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) On or about January 17, 2020, the employer did not train employees on the hazards of the chemicals they were using. Employees worked with silk screening chemicals were exposed to hazardous materials including, but not limited to, ethyl acetate and xylene.

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: 07/22/2020
Proposed Penalty: \$5,783.00

A handwritten signature in black ink, appearing to read "Deul Selff", written over a horizontal line.

For
Kimberly Nelson
Area Director

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



INVOICE / DEBT COLLECTION NOTICE

Company Name: Boomerang Rubber, Inc.
Inspection Site: 215 S. Mill St., Botkins, OH 45306
Issuance Date: 06/26/2020

Summary of Penalties for Inspection Number	1456542
Citation 1, Serious	\$11,566.00
TOTAL PROPOSED PENALTIES	\$11,566.00

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 two percent (2%). 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.



For
Kimberly Nelson

Area Director

06/26/2020

Date