

U.S. Department of Labor Occupational Safety and Health Administration
1033 La Posada
Suite 375
Austin, TX 78752



12/15/2022

Simwon NA Corp.
and its successors
19200 Marketplace, Building 3
Kyle, TX 78640

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (512) 374-0271.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must 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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,



R. Casey Perkins, CSP
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
1033 La Posada
Suite 375
Austin, TX 78752



Citation and Notification of Penalty

To:
Simwon NA Corp.
and its successors
19200 Marketplace, Building 3
Kyle, TX 78640

Inspection Number: 1602751
Inspection Date(s): 06/15/2022 - 10/07/2022
Issuance Date: 12/15/2022

Inspection Site:
19200 Marketplace, Building 3
Kyle, TX 78640

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 (512) 374-0271. 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 at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type “OSHA” in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. 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 12/15/2022. The conference will be held by telephone or at the OSHA office located at 1033 La Posada, Suite 375, Austin, TX 78752 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1602751

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640
Issuance Date: 12/15/2022

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, 1033 La Posada, Suite 375, Austin, TX 78752.**

Citation Number 1 and Item Number 1 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 2 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 3 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 4a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 4b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 5 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 6 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 7a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 7b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 8 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 9 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 10a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 10b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 11a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 11b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 12 was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 1 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: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.22(a)(1): The employer did not ensure that all places of employment, passageways, storerooms, service rooms, and walking-working surfaces are kept in a clean, orderly, and sanitary condition.

On or about June 15, 2022, and at times prior thereto, extension cords were running across highly trafficked walking-working areas, exposing employees to electrical and tripping hazards.

- a) The main entrance to the Production Floor from the lobby had at least 3 extension cords on the floor.
- b) The Press Machine Area had multiple extension cords and 1 compressed air hose on the floor.
- c) The Laser Machine Area had multiple extension cords on the floor.
- d) The Assembly Machine(s) Area had multiple extension cords on the floor.
- e) The CMC Room had multiple extension cords on the floor.
- f) The Center walkway had multiple extension cords on the walkway.
- g) The main floor walkway on the right of the forklift aisle had multiple extension cords.
- h) The Loading Dock Area had multiple extension cords on the floor.
- i) The Press Panel Mezzanine had multiple extension cords on the walkway.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

January 12, 2023
\$9,324.00

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: 1602751
Inspection Date(s): 06/15/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.28(b)(1)(i): Except as provided elsewhere in this section 29 CFR 1910.28, the employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the systems described in 29 CFR 1910.28(b)(1)(i).

On or about June 15, 2022, and at times prior thereto, employees were working near loading docks without the use of fall protection, exposing the employees to the hazard of falling approximately 4-feet 2-inches to the concrete apron below.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 12, 2023
Proposed Penalty:	\$7,458.00

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: 1602751
Inspection Date(s): 06/15/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.132(a): Protective equipment was not used when hazards capable of causing injury and impairment were encountered.

On or about June 15, 2022, and at times prior thereto, employees were handling hot materials at the ATP press conveyor belt without personal protective equipment, exposing employees to thermal burns to their hands and arms.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 05, 2023
Proposed Penalty:	\$11,188.00

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: 1602751
Inspection Date(s): 06/15/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

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

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

On or about June 15, 2022, and at times prior thereto, fire extinguishers were stored on the floor and/or not marked to identify the location, exposing employees to various fire hazards.

- a) The fire extinguisher in the CMM room was stored on the floor and was not marked to identify the location, exposing employees to fire hazards.
- b) The fire extinguisher in the Admin/Front office area was not marked to identify the location, exposing employees to fire hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 05, 2023
Proposed Penalty:	\$5,594.00

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: 1602751
Inspection Date(s): 06/15/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.157(e)(1): The employer did not inspect, maintain and test all portable fire extinguishers in the workplace.

On or about June 15, 2022, and at times prior thereto, the employer did not inspect the fire extinguishers throughout the facility, exposing the employees to various fire hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 05, 2023
Proposed Penalty:	\$0.00

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: 1602751
Inspection Date(s): 06/15/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.157(g)(1): An educational program was not provided for all employees to familiarize them with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting.

On or about June 15, 2022, and at times prior thereto, employees were permitted to use fire extinguishers without proper training, exposing employees to a various fire hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

January 12, 2023
\$9,324.00

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: 1602751
Inspection Date(s): 06/15/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.178(l): Operators were not trained in the safe operation of powered industrial trucks.

On or about June 15, 2022, and at times prior thereto, employees were operating powered industrial trucks without the employer providing training to safely operate the equipment, exposing employees to hazards such as but not limited to being struck-by a powered industrial truck.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

January 12, 2023
\$7,458.00

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: 1602751
Inspection Date(s): 06/15/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

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

29 CFR 1910.179(b)(8): Employee(s) other than designated personnel were permitted to operate crane(s).

On or about June 15, 2022, and at times prior thereto, employees were exposed to the hazard of being struck-by or crushed-by loads moved with an overhead crane.

- a) Non-designated personnel were permitted to operate a 40 ton Konecranes crane to move loads.
- b) Non-designated personnel were permitted to operate a 1.1 ton Gorbel crane to move loads.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

January 12, 2023
\$13,052.00

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: 1602751
Inspection Date(s): 06/15/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.179(j)(2): Frequent inspections of the cranes were not performed at intervals as generally defined in paragraph (j)(1)(ii)(a) of this section or as specifically indicated.

On or about June 15, 2022, and at times prior thereto, employees were permitted to operate a crane(s) without performing daily inspections.

- a. Employees were operating a 40-ton Konecranes crane without performing daily inspections, exposing employees to a struck-by hazard.
- b. Employees were operating a 1.1-ton Gorbelt crane without performing daily inspections, exposing employees to a struck-by hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 12, 2023
Proposed Penalty: \$0.00

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: 1602751
Inspection Date(s): 06/15/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

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

On or about June 15, 2022, and at times prior thereto, employees used compressed air for cleaning purposes in which the air pressure measured over 30 p.s.i., exposing the employees to the hazard of being struck-by the jet stream or foreign bodies in the eye(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

January 12, 2023
\$5,594.00

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: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.303(b)(7): Electric equipment was not installed in a neat and workmanlike manner.

On or about June 15, 2022, and at times prior thereto, two 480-Volt electrical panels and their conductors had workmanship issues, exposing employees charging forklifts to an electrical hazard.

- a) One 480-Volt panel within the forklift charging area had a conductor running out that was not connected to the grommet exposing the internally sheathed wires.
- b) Two blue wall bracket outlets within the forklift charging area were used in a manner not intended for their purpose when wired into two separate conductors from a 480-Volt electrical panel.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

January 12, 2023
\$13,052.00



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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 11 a Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure.

On or about June 15, 2022, and at times prior thereto, the employer was using energized 120-V extension cords to power industrial fans and other electronic equipment instead of using fixed wiring, exposing the employees to the hazard of an electrical shock or burns.

- a) The main entrance to the Production Floor from the lobby had at least 3 extension cords on the floor.
- b) The Press Machine Area had multiple extension cords on the floor.
- c) The Laser Machine Area had multiple extension cords on the floor.
- d) The Assembly Machine(s) Area had multiple extension cords on the floor.
- e) The CMC Room had multiple extension cords on the floor.
- f) The Center walkway had multiple extension cords on the walkway.
- g) The main floor walkway on the right of the forklift aisle had multiple extension cords.
- h) The Loading Dock Area had multiple extension cords on the floor.
- i) The Press Panel Mezzanine had multiple extension cords on the walkway.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

January 12, 2023
\$13,052.00

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: 1602751
Inspection Date(s): 06/15/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.305(g)(1)(iv)(C): Flexible cords and cables were used where run through doorways, windows, or similar openings.

On or about June 15, 2022, and at times prior thereto, energized flexible cords and cables at the front entrance to the production floor were used where they would run through doorways, exposing employees to electrical shock.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 12, 2023
Proposed Penalty:	\$0.00

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: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.334(a)(2)(i): Portable cord and plug connected equipment and flexible cord sets (extension cords) were not visually inspected before use on any shift for external defects (such as loose parts, deformed and missing pins, or damage to outer jacket or insulation) and for evidence of possible internal damage (such as pinched or crushed outer jacket):

On or about June 15, 2022, and at times prior thereto, employees were using multiple energized 120-Volt extension cords running across highly trafficked walking-working surfaces to power industrial fans without inspecting the cords before use, exposing the employees to an electrical shock hazard.

- a) The main entrance to the Production Floor from the lobby had at least 3 extension cords on the floor.
- b) The Press Machine Area had multiple extension cords.
- c) The Laser Machine Area had multiple extension cords on the floor.
- d) The Assembly Machine(s) Area had multiple extension cords on the floor.
- e) The CMC Room had multiple extension cords on the floor.
- f) The Center walkway had multiple extension cords on the walkway.
- g) The main floor walkway on the right of the forklift aisle had multiple extension cords.
- h) The Loading Dock Area had multiple extension cords on the floor.
- i) The Press Panel Mezzanine had multiple extension cords on the walkway.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 12, 2023
Proposed Penalty: \$7,458.00

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: 1602751
Inspection Date(s): 06/15/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

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.

On or about June 15, 2022, and at times prior thereto, the employer had not developed energy control procedures to be utilized while employees were performing maintenance, cleaning, or adjusting of machinery and equipment while energized, exposing employees to caught-in hazards such as but not limited to unexpected start-up and release of potential or stored energy.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 12, 2023
Proposed Penalty: \$130,524.00



R. Casey Perkins, CSP
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
1033 La Posada
Suite 375
Austin, TX 78752



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640
Issuance Date: 12/15/2022

Summary of Penalties for Inspection Number: 1602751

Citation 1 Item 1, Serious	\$9,324.00
Citation 1 Item 2, Serious	\$7,458.00
Citation 1 Item 3, Serious	\$11,188.00
Citation 1 Item 4a, Serious	\$5,594.00
Citation 1 Item 4b, Serious	\$0.00
Citation 1 Item 5, Serious	\$9,324.00
Citation 1 Item 6, Serious	\$7,458.00
Citation 1 Item 7a, Serious	\$13,052.00
Citation 1 Item 7b, Serious	\$0.00
Citation 1 Item 8, Serious	\$5,594.00
Citation 1 Item 9, Serious	\$13,052.00
Citation 1 Item 10a, Serious	\$13,052.00
Citation 1 Item 10b, Serious	\$0.00
Citation 1 Item 11a, Serious	\$13,052.00
Citation 1 Item 11b, Serious	\$0.00
Citation 1 Item 12, Serious	\$7,458.00
Citation 2 Item 1, Willful - Serious	\$130,524.00

TOTAL PROPOSED PENALTIES: \$246,130.00

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 at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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 two 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.

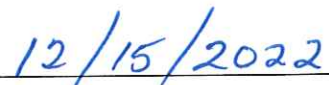
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per 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.



R. Casey Perkins, CSP

Area Director



Date

U.S. Department of Labor Occupational Safety and Health Administration
1033 La Posada
Suite 375
Austin, TX 78752



12/15/2022

Simwon NA Corp.
and its successors
19200 Marketplace, Building 3
Kyle, TX 78640

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (512) 374-0271.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must 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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Casey Perkins". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

R. Casey Perkins, CSP
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
1033 La Posada
Suite 375
Austin, TX 78752



Citation and Notification of Penalty

To:
Simwon NA Corp.
and its successors
19200 Marketplace, Building 3
Kyle, TX 78640

Inspection Number: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022

Inspection Site:
19200 Marketplace, Building 3
Kyle, TX 78640

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 (512) 374-0271. 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 at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type “OSHA” in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. 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 12/15/2022. The conference will be held by telephone or at the OSHA office located at 1033 La Posada, Suite 375, Austin, TX 78752 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1605530

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640
Issuance Date: 12/15/2022

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, 1033 La Posada, Suite 375, Austin, TX 78752.**

Citation Number 1 and Item Number 1 was corrected on 06-30-2022
By (Method of Abatement): Corrected During Inspection

Citation Number 1 and Item Number 2a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 2b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 2c was corrected on 09-27-2022
By (Method of Abatement): Corrected During Inspection

Citation Number 1 and Item Number 3a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 3b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 4a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 4b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 5a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 5b was corrected on 10-27-2022
By (Method of Abatement): Corrected During Inspection

Citation Number 1 and Item Number 6a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 6b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 7a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 7b was corrected on _____
By (Method of Abatement): _____

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

Signature

Date

Typed or Printed Name

Title

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

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

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

Inspection Number: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.110(f)(2)(ii): LP gas container(s) stored inside were located near or in area(s) normally used or intended for the safe exit of employees:

On or about June 15, 2022, and at times prior thereto, Liquefied Petroleum Gas containers had been stored near emergency exits, exposing employees to fire hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$7,458.00

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: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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 2 a Type of Violation: **Serious**

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace.

On or about June 30, 2022, and at times prior thereto, employees were required to wear a respirator while cleaning metal particulates from machinery without having a medical evaluation, exposing employees to the hazards of wearing a respirator.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 20, 2023
Proposed Penalty:	\$7,458.00

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: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.134(f)(1): The employer did not ensure that employee(s) required to use a tight-fitting facepiece respirator passed the appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT):

On or about June 30, 2022, and at times prior thereto, employees were required to wear a respirator while cleaning metal particulates from machinery without being fit tested, exposing employees to the hazards of wearing a respirator.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 20, 2023
Proposed Penalty:	\$0.00

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: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.134(k)(3): Training was not provided prior to requiring employees to use a respirator in the workplace:

On or about June 30, 2022, and at times prior thereto, employees were required to wear a respirator while cleaning metal particulates from machinery without being trained, exposing employees to the hazards of wearing a respirator.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

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: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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 3 a Type of Violation: **Serious**

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces.

On or about June 30, 2022, and at times prior thereto, an employee performing maintenance operations within a press pit was not informed by use of signage of the area being a permit-required confined space and the dangers associated with entering, exposing the employee to hazards associated with permit-required confined space entry, such as but not limited to entrapment, asphyxiation, and fall from height.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 05, 2023
Proposed Penalty:	\$7,458.00

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: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.146(d)(4)(i): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not provide, at no cost to the employees, testing and monitoring equipment needed to comply with 29 CFR 1910.146(d)(5):

On or about June 30, 2022, and at times prior thereto, the employer did not provide testing and monitoring equipment for employees performing maintenance operations within a press pit, exposing employees to hazards associated with permit-required confined space entry, such as but not limited to entrapment, asphyxiation, and fall from height.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 20, 2023
Proposed Penalty:	\$0.00

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: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

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

29 CFR 1910.146(d)(4)(iii): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not provide at no cost to the employee's communications equipment necessary for compliance with 29 CFR 1910.146(h)(3) and 29 CFR 1910.146(i)(5):

On or about June 30, 2022, and at times prior thereto, an employee performing maintenance operations within a press pit was not provided communication equipment, exposing the employee to to hazards associated with permit-required confined space entry, such as but not limited to entrapment, asphyxiation, and fall from height.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 20, 2023
Proposed Penalty: \$7,458.00

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: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.146(d)(6): The employer did not provide at least one attendant outside the permit space into which entry was authorized for the duration of entry operations:

On or about June 30, 2022, and at times prior thereto, the employer did not ensure an attendant was present while employees performed maintenance operations within a press pit, exposing employees to hazards associated with permit-required confined space entry, such as but not limited to entrapment, asphyxiation, and fall from height.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 20, 2023
Proposed Penalty: \$0.00

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: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

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

29 CFR 1910.146(d)(4)(viii): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not provide, at no cost to the employees, rescue and emergency equipment needed to comply with 29 CFR 1910.146(d)(9):

On or about June 30, 2022, and at times prior thereto, the employer did not provide rescue and emergency equipment for employees performing maintenance operations inside of a press pit, exposing employee to hazards associated with permit-required confined space entry, such as but not limited to entrapment, asphyxiation, and fall from height.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 20, 2023
Proposed Penalty: \$7,458.00

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: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146 (permit required confined spaces) acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under 29 CFR 1910.146:

On or about June 30, 2022, and at times prior thereto, an employee performing maintenance operations within a press pit was not provided training prior to being required to enter permit spaces.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

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: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

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

29 CFR 1910.253(b)(2)(ii): Inside of buildings, cylinders were not stored in a well-protected, well-ventilated, dry location, at least 20 feet (6.1 m) from highly combustible materials such as oil or excelsior:

On or about June 30, 2022, and at times prior thereto, employees were working near compressed gas cylinders that were stored near combustible materials, exposing employees to fire hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 05, 2023
Proposed Penalty: \$9,324.00

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: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

29 CFR 1910.253(b)(2)(iv): Valve protection caps, where cylinders were designed to accept caps, were not always in place, hand-tight, except when cylinders were in use or connected for use.

On or about June 30, 2022, and at times prior thereto, employees were working near compressed gas cylinders that were stored on the production floor and in the welding area without their valve protection caps installed, exposing employees to struck-by hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 05, 2023
Proposed Penalty:	\$0.00

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: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640

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

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

29 CFR 1910.1200(g)(8): The employer did not maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and did not ensure that they were readily accessible during each work shift to employees when they were in their work area(s).

On or about June 30, 2022, the employer did not ensure Safety Data Sheets for each hazardous chemicals used as part of maintenance or operation processes were maintained and made readily available as part of the employer Hazardous Communication Program, exposing employees to hazardous chemicals and substances.

Instance a): A Safety Data Sheet for substances, such as but not limited to Fournery General Purpose Repair Solder, was not readily accessible.

Instance b): A Safety Data Sheet for substances, such as but not limited to Unisorb Standard V-100 Epoxy Grout, was not readily accessible.

Instance c): A Safety Data Sheet for substances, such as but not limited to Gasoline, was not readily accessible.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 05, 2023
Proposed Penalty: \$5,594.00

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: 1605530
Inspection Date(s): 06/30/2022 - 10/07/2022
Issuance Date: 12/15/2022



Citation and Notification of Penalty

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640


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

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

On or about June 30, 2022, and at times prior thereto, maintenance employees utilized chemicals and substances, such as but not limited to solder and epoxy grout, in their work area without being trained at the time of their initial assignment, exposing those employees to corrosive and lead chemicals and substances.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 20, 2023
Proposed Penalty: \$0.00



R. Casey Perkins, CSP
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
1033 La Posada
Suite 375
Austin, TX 78752



INVOICE /
DEBT COLLECTION NOTICE

Company Name: Simwon NA Corp.
Inspection Site: 19200 Marketplace, Building 3, Kyle, TX 78640
Issuance Date: 12/15/2022

Summary of Penalties for Inspection Number: 1605530

Citation 1 Item 1, Serious	\$7,458.00
Citation 1 Item 2a, Serious	\$7,458.00
Citation 1 Item 2b, Serious	\$0.00
Citation 1 Item 2c, Serious	\$0.00
Citation 1 Item 3a, Serious	\$7,458.00
Citation 1 Item 3b, Serious	\$0.00
Citation 1 Item 4a, Serious	\$7,458.00
Citation 1 Item 4b, Serious	\$0.00
Citation 1 Item 5a, Serious	\$7,458.00
Citation 1 Item 5b, Serious	\$0.00
Citation 1 Item 6a, Serious	\$9,324.00
Citation 1 Item 6b, Serious	\$0.00
Citation 1 Item 7a, Serious	\$5,594.00
Citation 1 Item 7b, Serious	\$0.00

TOTAL PROPOSED PENALTIES: \$52,208.00

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 at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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 two 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.

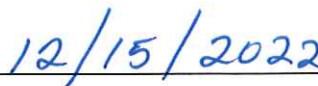
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per 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.



R. Casey Perkins, CSP

Area Director



Date