

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
36 Triangle Park Drive  
Cincinnati, OH 45246



## Citation and Notification of Penalty

**To:**  
Midwest Ammunition, LLC  
and its successors  
4224 Trenton Road  
Bldg. MA  
Hamilton, OH 45011

**Inspection Site:**  
4224 Trenton Rd  
Hamilton, OH 45011

**Inspection Number:** 1417059  
**Inspection Date(s):** 07/22/2019 - 01/10/2020  
**Issuance Date:** 01/15/2020

*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 513-841-4132. During such an informal conference you may present any evidence or views which you believe would

support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

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

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

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

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

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

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

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

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

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

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 01/15/2020. The conference will be held by telephone or at the OSHA office located at 36 Triangle Park Drive, Cincinnati, OH 45246 on \_\_\_\_\_ at \_\_\_\_\_.

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

**Inspection Number: 1417059**

Company Name: Midwest Ammunition, LLC  
Inspection Site: 4224 Trenton Rd, Hamilton, OH 45011  
Issuance Date: 01/15/2020

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, 36 Triangle Park Drive, Cincinnati, OH 45246**

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:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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

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

29 CFR 1910.132(d)(1): The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE).

On or about July 22, 2019, the employer did not conduct an adequate hazard assessment in that it did not address hazards such as, but not limited to, lead and smokeless gunpowder in the roll sizer area and sorting department.

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:	02/11/2020
Proposed Penalty:	\$6630.00



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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

29 CFR 1910.133(a)(2): The employer shall ensure that each affected employee uses eye protection that provides side protection when there is a hazard from flying objects. Detachable side protectors (e.g. clip-on or slide-on side shields) meeting the pertinent requirements of this section are acceptable.

a) On or about July 22, 2019, the employer did not ensure an employee using a Dewalt drill in the sorting department was required to wear eye protection with side protection in that the employee was wearing regular prescription glasses when exposed to flying metal chips.

b) On or about November 7, 2019, the employer did not ensure an employee working in the roll sizer area with the Camdex case processors was required to wear eye protection with side shields in that the employee was wearing regular prescription glasses when exposed to smokeless gunpowder.

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:

02/11/2020



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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

29 CFR 1910.133(a)(3): The employer shall ensure that each affected employee who wears prescription lenses while engaged in operations that involve eye hazards wears eye protection that incorporates the prescription in its design, or wears eye protection that can be worn over the prescription lenses without disturbing the proper position of the prescription lenses or the protective lenses.

a) On or about July 22, 2019, the employer did not ensure all employees working in the sorting department while wearing prescription lenses were required to wear ANSI compliant prescription eye protection or eye protection that can be worn over prescription lenses while working with and around powered tools, sparks caused by powered tools, and dust from spent brass casings.

b) On or about November 7, 2019, the employer did not ensure all employees working in the sorting department while wearing prescription lenses were required to wear ANSI compliant prescription eye protection or eye protection that can be worn over prescription lenses while working with and around smokeless gunpowder dust.

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:

02/11/2020

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:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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

**Citation 3 Item 2 a** Type of Violation: **Serious**

29 CFR 1910.134(c)(1): In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions of this section, as applicable:

On or about July 22, 2019, the employer did not establish or implement a written respiratory protection program for employees required to wear 3M tight-fitting 2091 cartridge respirators while operating the trommel and emptying the trommel catch tray.

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:	02/11/2020
Proposed Penalty:	\$6630.00



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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**Citation 3 Item 2 b** Type of Violation: **Serious**

29 CFR 1910.134(c)(2)(i): An employer may provide respirators at the request of employees or permit employees to use their own respirators, if the employer determines that such respirator use will not in itself create a hazard. If the employer determines that any voluntary respirator use is permissible, the employer shall provide the respirator users with the information contained in Appendix D to this section ("Information for Employees Using Respirators When Not Required Under the Standard"); and

On or about July 22, 2019, the employer did not provide Appendix D information to employees voluntarily wearing 3M N95 disposable respirators while working in the packaging, loading, and roll sizer areas.

Date By Which Violation Must be Abated:

Corrected During Inspection



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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**Citation 3 Item 2 c Type of Violation: **Serious****

29 CFR 1910.134(e)(1): General. The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

On or about July 22, 2019, employees were not provided with a medical evaluation prior to being required to wear a 3M tight-fitting 2091 cartridge respirator when exposed to lead dust and smokeless gunpowder while loading the trommel and emptying the trommel tray in the spray booth.

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: 02/11/2020



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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**Citation 3 Item 2 d Type of Violation: **Serious****

29 CFR 1910.134(f)(2): Fit testing. The employer shall ensure that an employee using a tight-fitting facepiece respirator is fit tested prior to initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter.

On or about July 22, 2019, employees were not fit tested prior to being required to wear a 3M tight-fitting 2091 cartridge respirator when exposed to lead dust and smokeless gunpowder while loading the trommel and emptying the trommel tray in the spray booth.

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:

02/11/2020



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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

29 CFR 1910.212(a)(1): Types of guarding. One or more methods of machine guarding shall be 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. Examples of guarding methods are-barrier guards, two-hand tripping devices,electronic safety devices, etc.

On or about November 7, 2019, the employer did not ensure #5 and #8 Camdex case processors were guarded around the pinch points created by the press dies.

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:	03/04/2020
Proposed Penalty:	\$9282.00

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:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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**Citation 3 Item 4** Type of Violation: **Serious**

29 CFR 1910.1025(d)(2): Exposure monitoring. Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

On or about July 22, 2019, the employer did not conduct initial air monitoring for employees exposed to lead while working with spent brass.

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:	02/11/2020
Proposed Penalty:	\$6630.00

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:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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**Citation 3 Item 5** Type of Violation: **Serious**

29 CFR 1910.1025(l)(1)(i): Training Program. Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

On or about July 22, 2019, the employer did not ensure employees who were exposed to lead while working with spent brass and new bullets were informed of Appendices A and B.

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:	02/11/2020
Proposed Penalty:	\$6630.00

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:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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

**Citation 3 Item 6 a** Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met

On or about July 22, 2019, the employer did not develop or implement a written hazard communication program for employees exposed to chemicals such as, but not limited to, lead (kidney failure, nervous system damage), smokeless gunpowder (flammable), and Hornady One Shot Case Lube (flammable).

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:	02/11/2020
Proposed Penalty:	\$9282.00

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:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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**Citation 3 Item 6 b Type of Violation: **Serious****

29 CFR 1910.1200(f)(6)(ii): Workplace labeling. Product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

On or about July 22, 2019, the employer did not ensure that the 6 to 8 pound SMP 222 Lot #2041 smokeless gunpowder containers (flammable) located in the loading area were labeled in that the employees removed the manufacturer's label and replaced it with the chemical identity.

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:

02/11/2020

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:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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**Citation 3 Item 6 c Type of Violation: **Serious****

29 CFR 1910.1200(h)(1): Employers shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and safety data sheets.

On or about July 22, 2019, the employer did not train employees on the hazards of the chemicals such as, but not limited to, smokeless gunpowder (flammable) and Hornady One Shot Case Lube (flammable).

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:

02/11/2020

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:** 1417059  
**Inspection Date(s):** 07/22/2019 - 01/10/2020  
**Issuance Date:** 01/15/2020



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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

29 CFR 1910.132(d)(2): The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

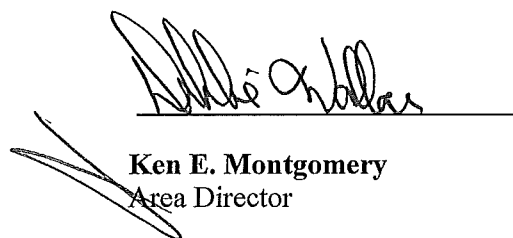
On or about July 22, 2019, a written certification of hazard assessment had not been completed by the employer.

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

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

02/11/2020  
\$744.00

  
**Ken E. Montgomery**  
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  
36 Triangle Park Drive  
Cincinnati, OH 45246



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011  
**Issuance Date:** 01/15/2020

<b>Summary of Penalties for Inspection Number</b>	<b>1417059</b>
<b>Citation 3, Serious</b>	<b>\$45084.00</b>
<b>Citation 4, Other-than-Serious</b>	<b>\$744.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$45828.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

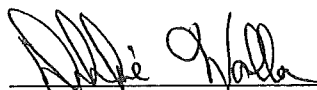
account, the bank will attempt to make the transfer up to 2 times.

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

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



**Ken E. Montgomery**

Area Director

1-15-2020

Date

## U.S. Department of Labor

Occupational Safety and Health Administration  
36 Triangle Park Drive  
Cincinnati, OH 45246



### Citation and Notification of Penalty

**To:**

Midwest Ammunition, LLC  
and its successors  
4224 Trenton Road  
Bldg. MA  
Hamilton, OH 45011

**Inspection Number:** 1417059

**Inspection Date(s):** 07/22/2019 - 11/08/2019

**Issuance Date:** 11/08/2019

**Inspection Site:**

4224 Trenton Rd  
Hamilton, OH 45011

*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.*

### ADDITIONAL CITATIONS PENDING

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 513-

841-4132. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

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

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

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

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

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

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

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

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

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

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





## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 11/08/2019. The conference will be held by telephone or at the OSHA office located at 36 Triangle Park Drive, Cincinnati, OH 45246 on \_\_\_\_\_ at \_\_\_\_\_.

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

**Inspection Number: 1417059**

Company Name: Midwest Ammunition, LLC  
Inspection Site: 4224 Trenton Rd, Hamilton, OH 45011  
Issuance Date: 11/08/2019

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, 36 Triangle Park Drive, Cincinnati, OH 45246**

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

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

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

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Title

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

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

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

**Inspection Number:** 1417059  
**Inspection Date(s):** 07/22/2019 - 11/08/2019  
**Issuance Date:** 11/08/2019



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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

29 CFR 1910.212(a)(1): Types of guarding. One or more methods of machine guarding shall be 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. Examples of guarding methods are-barrier guards, two-hand tripping devices,electronic safety devices, etc.

On or about May 8, 2019, the employer did not ensure the 223 loading press was guarded around the pinch points created by the die press.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/06/2019  
\$9282.00

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:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011

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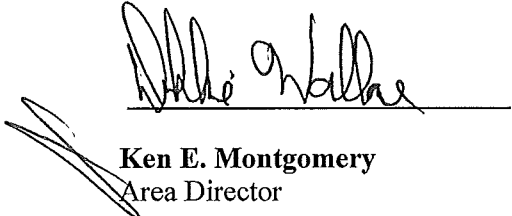
**Citation 2 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1904.39(a)(2): Basic Requirement. Within twenty-four (24) hours after the in-patient hospitalization of one or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident, you must report the in-patient hospitalization, amputation, or loss of an eye to OSHA.

On May 8, 2019, an employee sustained an amputation injury and the employer did not report the amputation to OSHA.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$6630.00

  
**Ken E. Montgomery**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
36 Triangle Park Drive  
Cincinnati, OH 45246



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Rd, Hamilton, OH 45011  
**Issuance Date:** 11/08/2019

<b>Summary of Penalties for Inspection Number</b>	<b>1417059</b>
<b>Citation 1, Serious</b>	<b>\$9282.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$6630.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$15912.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

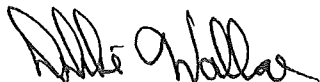
account, the bank will attempt to make the transfer up to 2 times.

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

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Ken E. Montgomery

Area Director

11-8-19

Date

## U.S. Department of Labor

Occupational Safety and Health Administration  
36 Triangle Park Drive  
Cincinnati, OH 45246



### Citation and Notification of Penalty

**To:**

Midwest Ammunition, LLC  
and its successors  
4224 Trenton Road  
Bldg. MA  
Hamilton, OH 45011

**Inspection Number:** 1417086**Inspection Date(s):** 07/22/2019 - 01/10/2020**Issuance Date:** 01/15/2020**Inspection Site:**

4224 Trenton Road  
Bldg. MA  
Hamilton, OH 45011

*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 513-841-4132. During such an informal conference you may present any evidence or views which you believe would

support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

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

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

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

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

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

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



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

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

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

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 01/15/2020. The conference will be held by telephone or at the OSHA office located at 36 Triangle Park Drive, Cincinnati, OH 45246 on \_\_\_\_\_ at \_\_\_\_\_.

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

**Inspection Number: 1417086**

Company Name: Midwest Ammunition, LLC  
Inspection Site: 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011  
Issuance Date: 01/15/2020

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, 36 Triangle Park Drive, Cincinnati, OH 45246**

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:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms, service rooms, and walking-working surfaces were not kept in a clean, orderly, and sanitary condition.

(a) On or about July 22, 2019, the sorting department was not clean, orderly or in a sanitary condition, in that waste gun powder was located under the trommel/tumbler when two maintenance employees attempted to install a guard on the trommel by drilling bolt holes through layers of steel with a DeWalt DCF885 Type V 1/4" cordless impact driver that generated sparks, which ignited the waste gun powder under the trommel and caused a fire/explosion that resulted in a fatality and serious injury to another employee.

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:	03/04/2020
Proposed Penalty:	\$13260.00



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC

**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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 1910.38(b): Written and oral emergency action plans. An emergency action plan must be in writing, kept in the workplace, and available to employees for review. However, an employer with 10 or fewer employees may communicate the plan orally to employees.

(a) On or about July 22, 2019, the employer did not develop and implement a written emergency action plan for employees who worked in the small arms ammunition manufacturing facility that contained procedures for reporting a fire or other emergency; procedures for emergency evacuation, including type of evacuation and exit route assignments; procedures to be followed by employees who remain to operate critical plant operations before they evacuate; procedures to account for all employees after evacuation; procedures to be followed by employees performing rescue or medical duties; and the name or job title of every employee who may be contacted by employees who need more information about the plan or an explanation of their duties under the plan.

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:

03/04/2020

Proposed Penalty:

\$13260.00



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC

**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.119(n): Emergency planning and response. The employer shall establish and implement an emergency action plan for the entire plant in accordance with the provisions of 29 CFR 1910.38. In addition, the emergency action plan shall include procedures for handling small releases. Employers covered under this standard may also be subject to the hazardous waste and emergency response provisions contained in 29 CFR 1910.120 (a), (p) and (q).

On or about July 22, 2019, the employer did not establish and implement a written emergency action plan for the entire plant that addressed the following:

- (a) Written procedures: for reporting a fire or other emergency; for emergency evacuation, including type of evacuation and exit route assignments; to be followed by employees who remain to operate critical plant operations before they evacuate; to account for all employees after evacuation; to be followed by employees performing rescue or medical duties; and the name or job title of every employee who may be contacted by employees who need more information about the plan or an explanation of their duties under the plan.
- (b) Employee alarm system: An employer must have and maintain an employee alarm system that uses a distinctive signal for each purpose and complies with the requirements in 1910.165.
- (c) Training: An employer must designate and train employees to assist in a safe and orderly evacuation of other employees.
- (d) Review of emergency action plan: An employer must review the emergency action plan with each employee covered by the plan when the plan is developed or the employee is assigned initially to a job; when the employee's responsibilities under the plan change; and when the plan is changed.

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,

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:** 1417086  
**Inspection Date(s):** 07/22/2019 - 01/10/2020  
**Issuance Date:** 01/15/2020



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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photographic or video evidence, or written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

03/04/2020

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:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.39(b): Written and oral fire prevention plans. A fire prevention plan must be in writing, be kept in the workplace, and be made available to employees for review. However, an employer with 10 or fewer employees may communicate the plan orally to employees.

(a) On or about July 22, 2019, the employer did not develop and implement a written fire prevention plan for employees who worked at small arms ammunition manufacturing which included a list of all major fire hazards, proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard; procedures to control accumulations of flammable and combustible waste materials; procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent the accidental ignition of combustible materials; the name or job title of employees responsible for maintaining equipment to prevent or control sources of ignition or fires; and the name or job title of employees responsible for the control of fuel source hazards.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/04/2020
Proposed Penalty:	\$13260.00

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:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.106(e)(6)(i): Adequate precautions shall be taken to prevent the ignition of flammable vapors. Sources of ignition include but are not limited to open flames; lightning; smoking; cutting and welding; hot surfaces; frictional heat; static, electrical, and mechanical sparks; spontaneous ignition, including heat-producing chemical reactions; and radiant heat.

(a) On or about September 7, 2019, the employer did not take adequate precautions to prevent the ignition of flammable vapors in the production of small arms ammunition, such as but not limited to; vapors produced by the Hornady One Shot Case Lube spray, which contained n-hexane and was labeled extremely flammable.

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:	03/04/2020
Proposed Penalty:	\$9282.00



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC

**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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 1910.109(j)(2)(ii): Small arms ammunition shall be separated from flammable liquids, flammable solids as classified in 49 CFR part 172, and from oxidizing materials, by a fire-resistive wall of 1-hour rating or by a distance of 25 feet.

(a) The distance from the rear corner of the paint booth to the area where the Hornady One Shot Case Lube was used was 12 feet. No fire resistive walls were located between departments or areas of the building and the separation distance was less than 25 feet. The building was not classified for use as a magazine.

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:

03/04/2020

Proposed Penalty:

\$13260.00



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC

**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.109(j)(4)(iii): Small arms ammunition primers shall be separated from flammable liquids, flammable solids as classified in 49 CFR part 172, and oxidizing materials by a fire-resistive wall of 1-hour rating or by a distance of 25 feet.

(a) The distance from the rear corner of the paint booth to the process start where the Hornady One Shot Case Lube was used was 12 feet. No fire resistive walls were located between departments or areas of the building and the separation distance was less than 25 feet. The building was not classified for use as a magazine.

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:

03/04/2020



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC

**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

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

29 CFR 1910.109(j)(3)(v): Quantities in excess of 750 pounds shall be stored in magazines in accordance with paragraph (c) of this section.

(a) On July 22, 2019, the employer had 1646 pounds of small arms ammunition powder stored on site, in a building that was not intended for the storage of explosives.

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:

03/04/2020

Proposed Penalty:

\$13260.00



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.109(j)(4)(v): Quantities of small arms ammunition primers in excess of 750,000 shall be stored in magazines in accordance with paragraph (c) of this section.

(a) On July 22, 2019, the employer had 1,071,400 primers stored on site, in a building that was not intended for the storage of explosives.

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:

03/04/2020



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC

**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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 1910.119(d): Process safety information. In accordance with the schedule set forth in paragraph (e)(1) of this section, the employer shall complete a compilation of written process safety information before conducting any process hazard analysis required by the standard. The compilation of written process safety information is to enable the employer and the employees involved in operating the process to identify and understand the hazards posed by those processes involving highly hazardous chemicals. This process safety information shall include information pertaining to the hazards of the highly hazardous chemicals used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process.

(a) On or about July 22, 2019, the employer did not compile written process safety information pertaining to the hazards of manufacturing small arms ammunition, such as but not limited to a block flow diagram, electrical schematics for the building, and information regarding the use of magazines for storage of gun powder and primers.

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:

03/04/2020

Proposed Penalty:

\$13260.00



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC

**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.119(e)(1): The employer shall perform an initial process hazard analysis (hazard evaluation) on processes covered by this standard. The process hazard analysis shall be appropriate to the complexity of the process and shall identify, evaluate, and control the hazards involved in the process. Employers shall determine and document the priority order for conducting process hazard analyses based on a rationale which includes such considerations as extent of the process hazards, number of potentially affected employees, age of the process, and operating history of the process.

(a) On or about July 22, 2019, the employer did not perform an adequate process hazard analysis to identify, evaluate, and control the hazards involved in the process of manufacturing small arms ammunition.

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:

03/04/2020



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.119(f)(1): Operating procedures. The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements: (i) steps for each operating phase, (ii) operating limits, (iii) safety and health considerations and (iv) safety systems and their functions

(a) On or about July 22, 2019, the employer did not develop and implement written operating procedures for employees who manufactured small arms ammunition, which included steps for each operating phase, operating limits, safety and health considerations, and safety systems and their functions.

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:

03/04/2020





**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.119(g)(1)(i): Each employee presently involved in operating a process, and each employee before being involved in operating a newly assigned process, shall be trained in an overview of the process and in the operating procedures as specified in paragraph (f) of this section. The training shall include emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks.

(a) On or about July 22, 2019, employees were not trained in an overview of the process and were not trained on operating procedures for the manufacture of small arms ammunition. The training employees received was all verbal and only included loading procedures.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation n (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:

03/04/2020



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.119(j)(2): Written procedures. The employer shall establish and implement written procedures to maintain the on-going integrity of process equipment.

- (a) On or about July 22, 2019, the employer did not have written procedures covering repairs/additions to any equipment, such as but not limited to the trommel, Camdex roll sizers, sorters, processors and loaders.
- (b) Written procedures did not include inspection and testing procedures that follow recognized and generally accepted good engineering practices.
- (c) Written procedures did not did not include procedures for correcting deficiencies in equipment that were outside acceptable limits.
- (d) Written procedures did not address quality assurance procedures to ensure that equipment was installed properly and consistent with design specifications and the manufacturer's instructions; and to assure that maintenance materials, spare parts and equipment were suitable for the process application for which they will be used.

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:

03/04/2020



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.119(j)(3): Training for process maintenance activities. The employer shall train each employee involved in maintaining the on-going integrity of process equipment in an overview of that process and its hazards and in the procedures applicable to the employee's job tasks to assure that the employee can perform the job tasks in a safe manner.

(a) On or about July 22, 2019, the employer did not train maintenance employees who used a DeWalt DCF885 Type V 1/4" cordless impact driver (not intrinsically safe) to drill holes in metal on the trommel, which generated sparks that ignited the waste gun powder under the trommel and caused a fire/explosion.

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:** 03/04/2020



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC

**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.119(l)(1): The employer shall establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process.

On or about July 22, 2019, the employer did not establish procedures to address the following considerations prior to implementing any change:

- (a) The technical basis for the proposed change;
- (b) Impact of change on safety and health;
- (c) Modifications to operating procedures;
- (d) Necessary time period for the change; and,
- (e) Authorization requirements for the proposed change.

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:

03/04/2020



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.119(m)(1): The employer shall investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release of highly hazardous chemical in the workplace.

(a) The employer did not conduct an incident investigation following the July 22, 2019 fire/explosion in the paint booth that resulted in one fatality and severe injury to another employee, while the two employees were attempting to install a guard on the trommel.

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: 03/04/2020



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.157(g)(1): Where the employer has provided portable fire extinguishers for employee use in the workplace, the employer shall also provide an educational program to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting.

(a) During the July 22, 2019 fire/explosion it was reported that at least three employees had attempted to respond to the fire/explosion in the trommel in the paint booth, although they were not provided with appropriate training on the use of fire extinguishers, nor designated to respond as part of the emergency action plan.

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:	03/04/2020
Proposed Penalty:	\$13260.00

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:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.178(c)(2)(ii)(a): Power-operated industrial trucks shall not be used in atmospheres containing hazardous concentrations of metal dust, including aluminum, magnesium, and their commercial alloys, other metals of similarly hazardous characteristics, or in atmospheres containing carbon black, coal or coke dust except approved power-operated industrial trucks designated as EX may be used in such atmospheres.

(a) On or about July 22, 2019, the Yale Model CLC03AENUAE083 LP forklift serial #N567213 was not designated EX for use in atmospheres containing explosive smokeless powders and primers.

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:	03/04/2020
Proposed Penalty:	\$9282.00



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

**Citation 1 Item 10 a**      Type of Violation: **Serious**

29 CFR 1910.303(b)(8)(i): Electric equipment shall be firmly secured to the surface on which it is mounted.

(a) The four plug outlet and light switch located between the restrooms and the paint booth were not secured to the wall, in that both were resting on a piece of two by four that was attached to the some metal siding that was up against the cinder block outer wall of the building and these were in use during and after the July 22, 2019 fire in the paint booth.

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:	03/04/2020
Proposed Penalty:	\$9282.00





**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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Citation 1 Item 10 b      Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief was provided that will prevent pull from being directly transmitted to joints or terminal screws.

(a) On or about July 22, 2019, the conduit covering the wiring of the four plug outlet and light switch located between the restrooms and the paint booth was not secured to the wall and was not tightened to provide strain relief, in that there was a visible gap between the conduit and the box where the wires were in plain sight.

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: 03/04/2020



### **Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC

**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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

29 CFR 1910.307(c)(3): Safe for the hazardous (classified) location. Equipment that is safe for the location shall be of a type and design that the employer demonstrates will provide protection from the hazards arising from the combustibility and flammability of vapors, liquids, gases, dusts, or fibers involved.

Note to paragraph (c)(3) of this section: The National Electrical Code, NFPA 70, contains guidelines for determining the type and design of equipment and installations that will meet this requirement. Those guidelines address electric wiring, equipment, and systems installed in hazardous (classified) locations and contain specific provisions for the following: wiring methods, wiring connections; conductor insulation, flexible cords, sealing and drainage, transformers, capacitors, switches, circuit breakers, fuses, motor controllers, receptacles, attachment plugs; meters, relays, instruments, resistors, generators, motors, lighting fixtures, storage battery charging equipment, electric cranes, electric hoists and similar equipment, utilization equipment, signaling systems, alarm systems, remote control systems, local loud speaker and communication systems, ventilation piping, live parts, lightning surge protection, and grounding.

(a) On or about July 22, 2019, the equipment used in the hazardous(classified) Class II, Division 1 location was not of the type and design that would provide protection from the hazards arising from the combustibility and flammability of the explosive gun powder and primers involved, such as but not limited to two DeWalt DCF885 Type V 1/4" cordless impact drivers were used in the paint booth to drill holes through steel to mount a guard around the trommel when a fire/explosion occurred after sparks mixed with spent gun powder on the floor. ~~YY~~(b) On or about July 22, 2019, a DeWalt cordless saw was used to cut up used powder kegs for disposal after compressed air was used to clean smokeless gun powder out of the kegs. ~~YY~~(c) On or about October 15, 2019, the Camdex 2200 series loader, where Hornady One Shot Case Lube with Dyna Glide (extremely flammable) was used to lubricate brass casings, was located on a table next to a surge protector strip that was in use and was not intrinsically safe. ~~YY~~(d) On or about October 15, 2019 and again on November 7, 2019, employees were observed using cell phones and carrying fire arms in the work area where Hornady One Shot Case Lube with Dyna Glide (extremely flammable), gun powder, and primers were in use.

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

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:** 1417086  
**Inspection Date(s):** 07/22/2019 - 01/10/2020  
**Issuance Date:** 01/15/2020



**Citation and Notification of Penalty**

**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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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:	03/04/2020
Proposed Penalty:	\$13260.00

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:** Midwest Ammunition, LLC

**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

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 12 a      Type of Violation: **Serious**

29 CFR 1910.334(a)(1): Handling. Portable equipment shall be handled in a manner which will not cause damage. Flexible electric cords connected to equipment may not be used for raising or lowering the equipment. Flexible cords may not be fastened with staples or otherwise hung in such a fashion as could damage the outer jacket or insulation.

(a) On or about October 15, 2019, a yellow flexible (extension) cord was run from the unsecured outlet to an overhead beam, looped over the beam and looped around a conduit running from the ceiling down the wall and plugged into a surge protector strip that was giving power to some roll sorter machines. There was nothing between the metal beam and the cord, or the conduit and the cord to protect the cord from friction and prevent damage to the cord.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$9282.00

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:** Midwest Ammunition, LLC

**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011

**Citation 1 Item 12 b**

Type of Violation: **Serious**

29 CFR 1910.334(a)(2)(ii): If there is a defect or evidence of damage that might expose an employee to injury, the defective or damaged item shall be removed from service, and no employee may use it until repairs and tests necessary to render the equipment safe have been made.

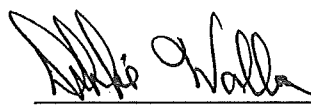
(a) On or about October 15, 2019, the cord for the roll sorter that had damaged insulation just below the plug where the wires were exposed and was plugged into the hopper, was connected to power from the unsecured outlet by a daisy chain.

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:

03/04/2020

  
\_\_\_\_\_  
**Ken E. Montgomery**  
Area Director

U.S. Department of Labor  
Occupational Safety and Health Administration  
36 Triangle Park Drive  
Cincinnati, OH 45246



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Midwest Ammunition, LLC  
**Inspection Site:** 4224 Trenton Road, Bldg. MA, Hamilton, OH 45011  
**Issuance Date:** 01/15/2020

<b>Summary of Penalties for Inspection Number</b>	<b>1417086</b>
<b>Citation 1, Serious</b>	<b>\$143208.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$143208.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

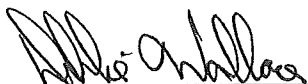
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



**Ken E. Montgomery**

Area Director

1-15-2020

Date