

**Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (920) 734-4521.**

U.S. Department of Labor Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914
Phone: (920) 734-4521 Fax: (920) 734-2661



April 3, 2020

Dear Mr. Douglas Larson,

On 10/07/2019, an OSHA compliance officer met with you or your representative as part of an inspection at 5523 W Integrity Way Appleton, WI 54913. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

A handwritten signature in blue ink that reads "Robert J. Bonack".

Robert J. Bonack, Area Director

Your Citation Summary

MODS International Inc.

Inspection Number: 1436166

Total Amount Due: \$46652.00

**Payment Due Date: 15 working days
after receipt of
this letter**

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 5

**Your First Correction Deadline is:
05/01/2020**

Step 1 – Choose a Response Option and Act within 15 working days

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (920) 734-4521.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call our office at (920) 734-4521 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

┌ ___ / ___



2. Fill in and post the attached “Notice to Employees OSHA Informal Conference” after scheduling meeting.

┌ ___ / ___

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached “Certification of Corrective Action Worksheet” along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

┌ ___ / ___



2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

┌ ___ / ___

Pay Online: Search “OSHA” on www.pay.gov and complete the “OSHA Penalty Payment Form.” Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to “DOL-OSHA” for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

┌ ___ / ___



Citation and Notification of Penalty

To:
MODS International Inc.
and its successors
5523 W Integrity Way
Appleton, WI 54913

Inspection Number: 1436166
Inspection Date(s): 10/07/2019 - 10/07/2019
Issuance Date: 04/03/2020

Inspection Site:
5523 W Integrity Way
Appleton, WI 54913

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 920-734-4521. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

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

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

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

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

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

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

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

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/03/2020. The conference will be held by telephone or at the OSHA office located at 1648 Tri Park Way, Appleton, WI 54914 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1436166

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913
Issuance Date: 04/03/2020

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, 1648 Tri Park Way, Appleton, WI 54914**

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: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

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

29 CFR 1910.95(c)(1): The employer did not administer a continuing, effective hearing conservation program as described in 29 CFR 1910.9(c) through (o) whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level of 85 decibels measured on the A scale, or equivalently a dose of fifty percent:

On or about October 7, 2019, the employer did not administer a continuing, effective hearing conservation program for employees using a plasma cutter, circular saws, grinders, and MIG welders to create modular systems.

Date By Which Violation Must be Abated: 05/01/2020
Proposed Penalty: \$4241.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 1436166
Inspection Date(s): 10/07/2019 - 10/07/2019
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

29 CFR 1910.95(g)(1): The employer did not establish and maintain an audiometric testing program as provided by 29 CFR 1910.95(g) by making audiometric testing available to all employees whose exposures equal or exceed an 8-hour time-weighted average of 85 decibels:

On or about October 7, 2019, the employer did not establish an audiometric testing program for employees using a plasma cutter, circular saws, grinders, and MIG welders to create modular systems.

Date By Which Violation Must be Abated:

05/01/2020

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: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

29 CFR 1910.95(k)(1): The employer did not train each employee who is exposed to noise at or above an 8-hour time-weighted average of 85 decibels in accordance with the requirements of 29 CFR 1910.95(k). The employer did not institute a training program and ensure employee participation in the program:

On or about October 7, 2019, the employer did not institute a training program on occupational noise for employees using a plasma cutter, circular saws, grinders, and MIG welders to create modular systems.

All training topics required by this section must be included in a training program. Key elements include, but are not limited to the following:

- 1) The effects of noise on hearing
- 2) The purpose of hearing protectors, the advantages, and disadvantages,
- 3) The attenuations of various types of hearing protectors
- 4) Instruction on selection, fitting, use, and care of hearing protectors
- 5) The purpose of audiometric testing and an explanation of the test procedures

Date By Which Violation Must be Abated:

05/01/2020



Citation and Notification of Penalty

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

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

29 CFR 1910.134(c)(1): The employer did not have a written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

On or about October 7, 2019, the employer did not establish and implement a written respiratory protection program with worksite-specific procedures. The employer required employees to wear respirators when sanding and painting metal shipping containers.

All provisions of 29CFR 1910.134(c) through (o) must be covered in a respiratory protection program. Key elements include, but are not limited to the following:

1. Selection of respirators for employees.
2. Medical evaluations for employees.
3. Fit testing.
4. Training and information.
5. Recordkeeping.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/01/2020
Proposed Penalty: \$4241.00



Citation and Notification of Penalty

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

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

Note: The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

On or about October 7, 2019, the employer did not provide medical evaluations for employees prior to requiring employees to wear respirators when sanding and painting metal shipping containers.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **05/01/2020**



Citation and Notification of Penalty

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

29 CFR 1910.134(h)(2)(i): Respirators were not stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals or were not packed or stored to prevent deformation of the facepiece and exhalation valve:

On or about October 7, 2019, respirators supplied to production employees to protect them from respiratory hazards were not stored in a manner that protected them from damage, contamination, and sunlight. Respirators were observed sitting on a desk in the office, hanging from hooks in the paint and chemical storage room, and in an open tool bag in the shop area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/01/2020



Citation and Notification of Penalty

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

29 CFR 1910.132(d)(2): The employer did not verify, through a written certification, that the required workplace hazard assessment had been performed:

The employer does not ensure that a Workplace Hazard Assessment is certified for the tasks that employees do that would require PPE. This violation was most recently observed on or about October 10, 2019, when the employer had assessed the workplace and determined that steel-toed shoes, hearing protection, eye protection, and respiratory protection were necessary for the safety of employees, but could not provide a signed, written certification of the assessment.

MODS International Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.132(d)(2) which was contained in OSHA inspection number 1218539, citation number 1, item number 1 and was affirmed as a final order on July 20, 2017 to a workplace located at 5523 W. Integrity Way, Appleton, WI 54913.

MODS International Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.132(d)(2) which was contained in OSHA inspection number 1169698, citation number 2, item number 1 and was affirmed as a final order on December 8, 2016, with respect to a workplace located at 5523 W. Integrity Way, Appleton, WI 54913.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/01/2020
Proposed Penalty:	\$4242.00



Citation and Notification of Penalty

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

29 CFR 1910.1200(e)(1): Employer had not developed or implemented a written hazard communication program included the requirements outlined in 29 CFR 1910.1200(e)(1)(i) and (e)(1)(ii):

The employer does not develop or implement a written hazard communication program. This violation was most recently observed on or about October 7, 2019, when the employer did not develop and implement a written hazard communication program for employee exposure to chemicals such as, but not limited to:

Acetone
Naphthalene
Toluene
Xylene

All provisions of 29 CFR 1910.1200(e) through (h) must be covered in a written hazard communication program. Key elements include, but are not limited to the following:

- 1) List of hazardous chemicals
- 2) Labeling of containers
- 3) Safety Data Sheet collection
- 4) Employee information and training

MODS International Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1200(e)(1), which was contained in OSHA inspection number 1218552, citation number 1, item number 2a and was affirmed as a final order on July 12, 2017, with respect to a workplace located at 5523 W Integrity Way, Appleton, WI 54913.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 1436166
Inspection Date(s): 10/07/2019 - 10/07/2019
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

Date By Which Violation Must be Abated: 05/01/2020
Proposed Penalty: \$16964.00

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: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

Citation 2 Item 3 Type of Violation: **Repeat**

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

The employer does not provide its employees that are exposed to chemicals with effective information and training on those chemicals. This hazard was most recently observed on or about October 7, 2019, when the employer did not provide employees with effective information and training on hazardous chemicals in their work areas at the time of their initial assignments. Employees were not trained on the hazards of the chemicals that they worked with, nor were they trained on the availability or location of safety data sheets (SDS). Employees worked with chemicals such as Acetone, Naphthalene, Toluene, and Xylene and were not trained on the hazards such as flammability, and possible health effects such as kidney and liver damage caused by said chemicals.

All provisions of the hazard communication standard's training paragraph 29 CFR 1910.1200(h) must be effectively trained to employees. Key elements include, but are not limited to the following:

- 1) The requirement of the hazard communication standard
- 2) Any work operations where hazard chemicals are present
- 3) Location and availability of the:
 - hazard communication program
 - list of hazardous chemicals
 - SDS collection

MODS International Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1200(h)(1), which was contained in OSHA inspection number 1218552, citation number 1, item number 2b and was affirmed as a final order on July 12, 2017, with respect to a workplace located at 5523 W Integrity Way, Appleton, WI 54913.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 1436166
Inspection Date(s): 10/07/2019 - 10/07/2019
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

Date By Which Violation Must be Abated:
Proposed Penalty:

05/01/2020
\$16964.00

A handwritten signature in blue ink that reads "Robert J. Bonack". The signature is written in a cursive style and is positioned above a horizontal line.

Robert J. Bonack
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
1648 Tri Park Way
Appleton, WI 54914



INVOICE / DEBT COLLECTION NOTICE

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913
Issuance Date: 04/03/2020

Summary of Penalties for Inspection Number	1436166
Citation 1, Serious	\$8482.00
Citation 2, Repeat	\$38170.00
TOTAL PROPOSED PENALTIES	\$46652.00

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

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

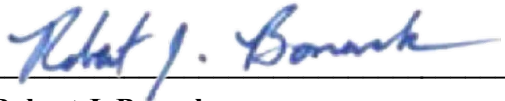
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

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

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is two percent (2%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

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



Robert J. Bonack

Area Director

April 3, 2020

Date

**Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (920) 734-4521.**

U.S. Department of Labor Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914
Phone: (920) 734-4521 Fax: (920) 734-2661



April 3, 2020

Dear Mr. Douglas Larson,

On 10/07/2019, an OSHA compliance officer met with you or your representative as part of an inspection at 5523 W Integrity Way Appleton, WI 54913. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

A handwritten signature in blue ink that reads "Robert J. Bonack".

Robert J. Bonack, Area Director

Your Citation Summary

MODS International Inc.

Inspection Number: 1436258

Total Amount Due: \$169647.00

**Payment Due Date: 15 working days
after receipt of
this letter**

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 9

**Your First Correction Deadline is:
05/01/2020**

Step 1 – Choose a Response Option and Act within 15 working days

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (920) 734-4521.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call our office at (920) 734-4521 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

┌ ___ / ___



2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

┌ ___ / ___

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

┌ ___ / ___



2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

┌ ___ / ___

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

┌ ___ / ___



Citation and Notification of Penalty

To:
MODS International Inc.
and its successors
5523 W Integrity Way
Appleton, WI 54913

Inspection Number: 1436258
Inspection Date(s): 10/07/2019 - 10/07/2019
Issuance Date: 04/03/2020

Inspection Site:
5523 W Integrity Way
Appleton, WI 54913

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 920-734-4521. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

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

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

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

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

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

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

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

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/03/2020. The conference will be held by telephone or at the OSHA office located at 1648 Tri Park Way, Appleton, WI 54914 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1436258

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913
Issuance Date: 04/03/2020

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, 1648 Tri Park Way, Appleton, WI 54914**

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: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

29 CFR 1910.30(a)(1): (a) Fall hazards. (1) Before any employee is exposed to a fall hazard, the employer must provide training for each employee who uses personal fall protection systems or who is required to be trained as specified elsewhere in this subpart. Employers must ensure employees are trained in the requirements of this paragraph on or before May 17, 2017.

On or about October 7, 2019, the employer did not provide employees training in fall hazards as required by this subpart prior to allowing them to be exposed to fall hazards of approximately ten feet while working on top of shipping containers.

Date By Which Violation Must be Abated:	05/01/2020
Proposed Penalty:	\$4241.00

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

Inspection Number: 1436258
Inspection Date(s): 10/07/2019 - 10/07/2019
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

29 CFR 1910.213(a)(9): All belts, pulleys, gears, shafts, and moving parts shall be guarded in accordance with the specific requirements of 1910.219.

On or about October 7, 2019, a Delta 10-inch table saw did not have the inclined drive belt and pulley powering the sawblade guarded as required. The belt and pulley were unguarded, exposing employees to ingoing nip points and entanglement hazards.

Date By Which Violation Must be Abated:	05/01/2020
Proposed Penalty:	\$4241.00

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: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

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

29 CFR 1910.213(c)(1): Each circular, hand-fed rip saw shall be guarded by a hood which shall completely enclose that portion of the saw above the table and that portion of the saw above the material being cut. The hood and mounting shall be arranged so that the hood will automatically adjust itself to the thickness of, and remain in contact with, the material being cut but it shall not offer any considerable resistance to insertion of material to saw or to passage of the material being sawed. The hood shall be made of adequate strength to resist blows and strains incidental to reasonable operation, adjusting, and handling, and shall be so designed as to protect the operator from flying splinters and broken saw teeth. It shall be made of material that is soft enough so that it will be unlikely to cause tooth breakage. The hood shall be so mounted as to insure that its operation will be positive, reliable, and in true alignment with the saw; and the mounting shall be adequate in strength to resist any reasonable side thrust or other force tending to throw it out of line.

On or about October 7, 2019, a Delta 10-inch table saw was not guarded with a hood enclosing the saw blade as required for employees ripping trim pieces.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/01/2020
\$4241.00



Citation and Notification of Penalty

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

29 CFR 1910.213(c)(2): Each hand-fed circular rip saw shall be furnished with a spreader to prevent material from squeezing the saw or being thrown back on the operator. The spreader shall be made of hard tempered steel, or its equivalent, and shall be thinner than the saw kerf. It shall be of sufficient width to provide adequate stiffness or rigidity to resist any reasonable side thrust or blow tending to bend or throw it out of position. The spreader shall be attached so that it will remain in true alignment with the saw even when either the saw or table is tilted. The provision of a spreader in connection with grooving, dadoing, or rabbeting is not required. On the completion of such operations, the spreader shall be immediately replaced.

On or about October 7, 2019, a Delta 10-inch table saw was not equipped with a spreader to prevent material from squeezing and kicking back at the operator as required for employees ripping trim pieces.

Date By Which Violation Must be Abated:

05/01/2020

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

Inspection Number: 1436258
Inspection Date(s): 10/07/2019 - 10/07/2019
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

29 CFR 1910.213(c)(3): Each hand-fed circular ripsaw shall be provided with non-kickback fingers or dogs so located as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. They shall be designed to provide adequate holding power for all the thicknesses of materials being cut.

On or about October 7, 2019, a Delta 10-inch table saw was not provided with non-kickback fingers or dogs to prevent the work piece from being thrown back toward the operator while ripping trim pieces of wood.

Date By Which Violation Must be Abated:

05/01/2020

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: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

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

29 CFR 1910.305(b)(1)(i): Conductors entering cutout boxes, cabinets, or fittings shall be protected from abrasion, and openings through which conductors enter shall be effectively closed.

On or about October 7, 2019, a 240-volt flexible cord entering an electrical panel was not effectively closed. The insulation was pulled back, creating an opening into the panel and exposing the conductors to abrasion.

Date By Which Violation Must be Abated:	05/01/2020
Proposed Penalty:	\$4241.00

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

Inspection Number: 1436258
Inspection Date(s): 10/07/2019 - 10/07/2019
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

29 CFR 1910.305(g)(1)(iv)(A): Unless specifically permitted otherwise in paragraph (g)(1)(ii) of this section, flexible cords and cables may not be used as a substitute for the fixed wiring of a structure:

On or about October 7, 2019, a flexible 240-volt cord was used as fixed wiring to power a welder. The cord was hardwired into an electrical panel and run underneath workstation tables.

Date By Which Violation Must be Abated:

05/01/2020

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: 1436258
Inspection Date(s): 10/07/2019 - 10/07/2019
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables shall be connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws.

On or about October 7, 2019, a flexible 120-volt cord used as a pendant drop down power in the fabrication shop had the strain relief device broken exposing the conductors and terminals to direct strain.

Date By Which Violation Must be Abated:	05/01/2020
Proposed Penalty:	\$4241.00

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: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

29 CFR 1910.157(e)(3): The employer shall assure that portable fire extinguishers are subjected to an annual maintenance check. Stored pressure extinguishers do not require an internal examination. The employer shall record the annual maintenance date and retain this record for one year after the last entry or the life of the shell, whichever is less. The record shall be available to the Assistant Secretary upon request.

The employer does not ensure that the fire extinguishers in the facility have an annual maintenance check. This violation was most recently observed on or about October 7, 2019, when the portable fire extinguishers mounted in the shop were not provided an annual maintenance check and the employer was unable to provide a record upon request.

MODS International Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 1218539, citation number one, item number two, and was affirmed as final order on October 5, 2017 with respect to a workplace located at 5523 W. Integrity Way, Appleton, WI 54913.

MODS International Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 1169698, citation number one, item number two, and was affirmed as final order on December 8, 2016 with respect to a workplace located at 5523 W. Integrity Way, Appleton, WI 54913.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/01/2020
Proposed Penalty:	\$42412.00

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: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

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

29 CFR 1910.178(l)(1)(i): The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l).

The employer does not ensure that employees are trained and evaluated to operate powered industrial trucks. This violation was most recently observed on October 7, 2019, when the employer did not ensure that powered industrial truck operators were trained and evaluated to operate the CAT TL 943 Rough Terrain Forklift and Clark Model CCS15 LP powered forklifts as required.

MODS International Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection 1218539, citation number one, item number three, and was affirmed as final order on October 5, 2017, with respect to a workplace located at 5523 W. Integrity Way, Appleton, WI 54913.

MODS International Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 1169698, citation number one, item number 3, and was affirmed as final order on December 8, 2016, with respect to a workplace located at 5523 W. Integrity Way, Appleton, WI 54913.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/01/2020
Proposed Penalty:	\$42412.00



Citation and Notification of Penalty

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

Citation 2 Item 3 Type of Violation: **Repeat**

29 CFR 1910.253(b)(4)(iii): Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least five feet (1.5 m) high having a fire-resistance rating of at least one-half hour.

- a) The employer does not ensure that Oxygen cylinders are not stored alongside Acetylene and Propane cylinders. This violation was most recently observed on or about October 7, 2019, when Oxygen cylinders were stored alongside Acetylene and Propane cylinders outside the southwest door of the fabrication shop.
- b) The employer does not ensure that Oxygen cylinders are not stored alongside Acetylene and Propane cylinders. This violation was most recently observed on or about October 7, 2019, when small Oxygen cylinders were stored alongside Acetylene cylinders underneath a workbench in the southwest side of the fabrication shop.

MODS International Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection 1218526, citation number two, item number one, and was affirmed as final order on October 5, 2017, with respect to a workplace located at 5523 Integrity Way, Appleton, WI 54913.

MODS International Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.253(b)(4)(iii), which was contained in OSHA inspection number 988175, citation number one, item number two, and was affirmed as a final order on October 27, 2014, with respect to a workplace located at 5523 Integrity Way, Appleton, WI 54913.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/01/2020
Proposed Penalty: \$42412.00

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: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913

Citation 2 Item 4 Type of Violation: **Repeat**

29 CFR 1910.303(b)(2): Installation and use. Listed or labeled equipment shall be installed and used in accordance with any instructions included in the listing or labeling.

The employer does not ensure that metallic outlet boxes (Handy boxes) are installed in accordance with their UL Listing. This violation was most recently observed on or about October 7, 2019, when metallic outlet boxes (Handy boxes) were not installed in accordance with the UL identifier QCIT that states the boxes shall be mounted in or on a surface. Three metallic outlet boxes were attached to 240-volt flexible cords to provide drop-down power for welders and plasma cutters in the fabrication shop.

MODS International Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection 1218526, citation number one, item number two, and was affirmed as final order on October 5, 2017, with respect to a workplace located at 5523 W. Integrity Way, Appleton, WI 54913.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/01/2020
Proposed Penalty: \$21206.00

A handwritten signature in blue ink that reads "Robert J. Bonack".

Robert J. Bonack
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914



INVOICE / DEBT COLLECTION NOTICE

Company Name: MODS International Inc.
Inspection Site: 5523 W Integrity Way, Appleton, WI 54913
Issuance Date: 04/03/2020

Summary of Penalties for Inspection Number	1436258
Citation 1, Serious	\$21205.00
Citation 2, Repeat	\$148442.00
TOTAL PROPOSED PENALTIES	\$169647.00

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

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

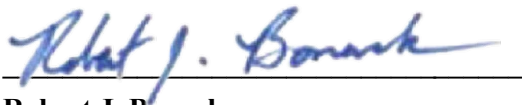
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

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

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is two percent (2%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

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



Robert J. Bonack

Area Director

April 3, 2020

Date